

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4

5 DEPOSITION OF FRANK FUDA
6

7	NIKI FRENCHKO,)	
)	
8)	Case No.
	Plaintiff,)	
9)	4:23 CV 00781
	VS.)	
10)	
)	
11	PAUL MONROE, ET AL.,)	
)	
12)	
	Defendants.)	

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14
15 Deposition taken in the above-entitled cause, pursuant
16 to Agreement before Jodie L. Algarin, a Notary Public for
17 the State of Ohio, on September 14, 2023, to be used
18 pursuant to the Rules of Civil Procedure or by agreement
19 of counsel in the aforesaid cause of action, pending in
20 the United States District Court for the Northern District
21 of Ohio, Eastern Division.
22
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24
25

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STIPULATIONS

It is stipulated and agreed by and between counsel for the parties hereto that this deposition may be taken at this time, 9:07 a.m., September 14, 2023, at the offices of Atty. David Betras, 6630 Seville Drive, Canfield, Ohio.

It is further stipulated and agreed by and between counsel that the deposition may be taken in shorthand by Jodie L. Algarin, a Notary Public within and for the State of Ohio, and may be by her transcribed with the use of computer-assisted transcription; that the witness's signature to the finished transcript of his deposition is not waived; and that the deposition will be available for the witness to read and sign the finished transcript of his deposition.

INDEX

CROSS EXAMINATION BY MR. MILLER-NOVAK - PAGE 5

OBJECTIONS:

BY MS. SUDHOFF - PAGE(S) 29, 33, 55, 58, 84, 85, 87

BY MR. MILLER-NOVAK - PAGE(S) 34

MR. YOSOWITZ - PAGE(S) 57, 77

PLAINTIFF'S EXHIBITS:

EXHIBIT 1 - PAGE 60

EXHIBIT 5 - PAGE 97

1 WHEREUPON,
2 FRANK FUDA,
3 Called as a witness, having been first
4 duly sworn by the Notary Public to testify
5 the truth, the whole truth and nothing but
6 the truth, was examined and testified as
7 follows:

8 CROSS EXAMINATION

9 BY MR. MILLER-NOVAK:

10 Q. Mr. Fuda, and your name is spelled
11 F-R-A-N-K, F-U-D-A, correct?

12 A. Correct.

13 Q. All right. You have the easiest name of
14 everybody I have to depose.

15 A. Yesterday was F-U-D-O on the screen, so --

16 Q. Was it?

17 A. Something I saw, yeah.

18 Q. Well, today it's F-U-D-A, which is you,
19 correct?

20 A. You got it right. You passed the spelling
21 test.

22 Q. Thank you. Mauro's name was a little
23 tougher for me.

24 A. Yeah.

25 Q. Have you ever been deposed before? I'm

1 assuming you have?

2 A. Yes, yes, couple times this past year.

3 Q. Okay. Well, so I'm not going to belabor
4 kind of some of the points about how we need to proceed,
5 but I kind of will just review them for a refresher. As
6 you know, you're being recorded.

7 A. Yep.

8 Q. It's all in writing, and so a couple things
9 I'm going to say. We kind of call them rules, but they're
10 more like guidelines. Because this is being recorded in
11 writing, we have to be careful to use proper verbal
12 answers. So you want to say yes or no.

13 A. Sure.

14 Q. And you don't want to use uh-huhs and
15 huh-uhs, because she can mistakenly get it wrong, okay?

16 A. Okay. That will be fine.

17 Q. Okay. And then the other thing, and this is
18 probably the harder thing because human beings sometimes
19 anticipate questions and want to blurt out the answer, so
20 try to let me finish my question, and I'm going to let you
21 finish your answers.

22 A. As a teacher, I did that all my life.

23 Q. Okay.

24 A. Let the kid talk first or let the adult
25 talk and then respond, and same thing in government. At

1 our meetings, we always let the other person finish
2 speaking and then respond to it.

3 Q. Uh-huh.

4 A. Unfortunately, it hasn't been that way for
5 the last couple years.

6 Q. Okay. Well, we'll talk about that stuff.
7 The other thing that we want to do is make sure if you
8 need a break, let me know. I'm happy to let you take a
9 break if you -- whatever you need to do, use the restroom.

10 A. Okay.

11 Q. Call your wife.

12 A. All right.

13 Q. Make sure, you know, she can tell you what
14 to bring home from the deposition.

15 A. I'm the gofer now, so she probably has a
16 whole list before I get home.

17 Q. Okay.

18 A. She'll catch me on the way home.

19 Q. Okay. So -- and, finally, I'm going to ask
20 you a question, and I always hate this question, but it's
21 something we do have to ask, and you don't have to tell me
22 what the medication is. I don't care about your medical
23 business, but are you on any medication that would
24 interfere with your ability to kind of like recall past in
25 memory?

1 A. High blood pressure. That's all.

2 Q. Okay.

3 A. I'm not on any medication at all.

4 Q. Well, good for you.

5 A. Other than that.

6 Q. Good for you. So that's great. I think
7 that's really about it. So today as we go, would you
8 prefer I call you Mr. Fuda or Frank? What's your
9 preference?

10 A. Whatever you want to call me.

11 Q. Okay.

12 A. I've been called a lot of different
13 things. Frank's fine. I got no problem.

14 Q. I'll stick with Frank or Mr. Fuda; how about
15 that?

16 A. That will be fine.

17 Q. Okay. I won't call you any other names.
18 And if you need to talk to me or you just have a question,
19 call me Matt.

20 A. Matt. Okay, Matt.

21 Q. Yep. That's fine. And then if you, for any
22 reason, don't understand a question I ask, don't be afraid
23 to ask me to clarify it.

24 A. I sure will.

25 Q. Okay. I don't mind.

1 A. Okay.

2 Q. So we were talking a little bit before we
3 started the deposition here about your history, so I want
4 to ask you about your government history. I know you said
5 you were a teacher, and that's great, and we don't need to
6 talk about that, I think, today. So when did you start in
7 government?

8 A. I started in 1990. I became the 1st ward
9 councilman in Niles. I planned on being in government
10 about 4 years, and 32 years later, I was still there,
11 but we had a lot of problems in Niles. I worked as if
12 it was a --

13 MR. BETRAS: Sorry. Hi, Frank.

14 THE WITNESS: How you doing?

15 MR. BETRAS: Good.

16 A. I worked it as it was a full-time job,
17 just as I did as a commissioner.

18 Q. Okay. And you said 1990. And how long were
19 you in Niles government?

20 A. Sixteen years.

21 Q. Sixteen years. So that would be 2006?

22 A. Correct.

23 Q. And then what?

24 A. And then I became the commissioner in
25 2006. Ms. Frenchko was one of my opponents.

1 Mr. Cantalamessa was one of my opponents, and I planned
2 on being there a few years, but I ended up being there
3 16 years.

4 Q. Okay. So you said Commissioner Frenchko was
5 one of your opponents in 2006?

6 A. Yes, she was. She was the Republican
7 opponent.

8 Q. And you were the Democratic --

9 A. Democrat.

10 Q. -- nominee?

11 A. Correct.

12 Q. And Mr. -- you said Mauro was your --
13 probably your primary opponent then?

14 A. Well, there was Mauro, there was the mayor
15 of Girard. There were four of -- five of us in the
16 primary.

17 Q. Mayor of Girard. Is that where Jib Jab Hot
18 Dog Shoppe is?

19 A. This is Jim Melfi. I think he might be
20 running for commissioner. Did a great job as mayor.

21 Q. So in 2006, Mauro was your opponent for
22 primary. Was that the time that he was the district
23 representative for the Democratic party?

24 A. I don't remember.

25 MR. BETRAS: Precinct committeeman.

1 Q. Or precinct committee?

2 A. He might have been. I don't know.

3 Q. Okay. After your primary against Mauro, did
4 he support you in the general election?

5 A. That general election?

6 Q. Yes.

7 A. I'm assuming he did, but I don't know.

8 Q. You don't remember?

9 A. I never worried about who supported me and
10 who didn't support me. I went out and did what I had to
11 do to meet the people and explain what I was doing, and
12 that's what a candidate should be doing, really. And I
13 fortunately did do everything I promised those people
14 that I was going to do.

15 Q. So 2006. Who was the -- you have three
16 commissioners, obviously, correct?

17 A. Correct.

18 Q. According to statute. And out of those
19 three commissioners, it's common practice to choose a
20 presiding officer, correct?

21 A. Yes. I'm not sure who was the officer the
22 first year. It might have been Dan Polivka, but I'm not
23 sure.

24 Q. When did you first gain experience as a
25 presiding officer?

1 A. I think it was the following year.

2 Q. Like 2007?

3 A. Correct.

4 Q. How long did that last?

5 A. For a year. And then every year we would
6 choose a different person to do that, or the same
7 person.

8 Q. It's part of the organizational meeting to
9 vote on who's going to be the presiding officer, correct?

10 A. Right.

11 Q. So you would conduct that business kind of
12 like your first meeting in January?

13 A. Right.

14 Q. So in 2022, you were the presiding officer,
15 correct?

16 A. Correct.

17 Q. So at a commissioners' meeting, the general
18 purpose of a commissioners' meeting is to conduct the
19 commissioners' business, correct?

20 A. Correct.

21 Q. So generally speaking, you vote on
22 resolutions, correct?

23 A. Correct.

24 Q. And you might discuss and set certain county
25 policies, correct?

1 A. Correct.

2 Q. And as I always say, the commissioners hold
3 the purse strings, right?

4 A. Well, purse strings for the commissioners'
5 office, yes. And we are responsible for the other
6 elected officials also.

7 Q. Right. So department heads would submit a
8 budget of what you need to approve?

9 A. Correct.

10 Q. Okay.

11 A. The department heads and the elected
12 officials.

13 Q. Right.

14 A. Like the auditor's office, the sheriff's
15 office and so on.

16 Q. Yeah. And there's also --

17 A. Each one -- each department would present
18 their budget ahead of time, and we'd go over those
19 before the meeting, months before the meeting. The
20 auditor would actually meet with us and explain what
21 we're going to do at the first few months, and then we'd
22 have a change in the budget after that, changes that
23 needed to be made.

24 Q. Okay. And there's a budget commission,
25 correct?

1 A. Correct.

2 Q. Okay. And that's part of that process as
3 well?

4 A. Right.

5 Q. All right. So part of the commissioners'
6 meeting there are moments for public participation,
7 correct?

8 A. Correct.

9 Q. And every now and then the commissioners may
10 invite certain department heads and department employees
11 to give a report, correct?

12 A. Yes. That happened -- well, see, probably
13 a little different than most commissioners. I went to
14 the departments usually every week or two weeks. Met
15 with them before they actually presented things. So I
16 was aware of what was going to be presented most of the
17 time. The workshop is a time when they would get this
18 across to whoever needed to know the information.

19 Q. And you're referring to the workshops that
20 happened on different days in the meetings where the
21 commissioners would essentially have like a less formal
22 meeting with department heads?

23 A. Right. It was a less formal meeting, and
24 we would discuss what we were going to vote on the
25 following day; and then normally for years the voting

1 part was just a procedure of what we went over the
2 previous day.

3 Q. So in a sense, you're doing more of your
4 discussion and deliberation on the matters you're going to
5 vote on in the workshops than in the meetings?

6 A. Yeah, the workshops, that's when you had
7 more time -- for me it was different. Like I said, I
8 went to all the departments weekly or every other week,
9 and I discussed their needs. I met with the auditor
10 every week -- couple times a week to discuss our budget.

11 See, when I started, financially the county was
12 in -- had financial problems. We lost \$7 million of
13 interest income as soon as I started the first year. We
14 lost local government funds of, I believe, about
15 \$7 million and some other funds of millions of dollars.

16 So we were in a position where financially we
17 didn't have the money to do a lot of the projects that
18 we wanted to do, but we were smart enough -- Paul
19 Heltzel was one of the commissioners. We were smart
20 enough to know what projects we can do and do at a
21 cheaper cost.

22 See, we had problems with sanitary sewers. We
23 didn't have those in most parts of Trumbull County, and
24 I made many promises that I would put sanitary sewers
25 in, and when I started, they said, we can't do that.

1 Well, we found a way. We hired people. We moved people
2 in positions who were able to go out and get the grant
3 money.

4 Other counties had a difficult time. They couldn't
5 do projects because they didn't have the finances to do
6 them. We did over these years -- I was there -- about
7 \$83 million in projects, and we planned every project
8 before I left there with the sanitary sewer department,
9 we planned every project for the future that will
10 complete Trumbull County. It's a job. The
11 commissioner's job is a real job.

12 Q. So thanks for that. So you're having these
13 workshops, and those are one kind of meeting that is run
14 one particular way. To me it sounds comparable to what we
15 refer to as a committee of the whole meeting, that the
16 commissioners meet, we're not really applying very formal
17 process and you're having discussion, correct?

18 A. Well, we have discussion and explain the
19 project and why we need the project, things of that
20 type. You have to have all that information. It's
21 just -- we're a business, millions -- hundreds of
22 millions of dollars in business. You have to make smart
23 decisions. You just can't spend money.

24 Q. So now with your commissioners' meeting, I'm
25 just trying to get clarity here. So you have one meeting

1 that's the workshops that are kind of informal. The
2 commissioners' meeting you do -- did you ever pass rules
3 of decorum for those meetings?

4 A. Over the years, sure.

5 Q. Okay. Would you agree with -- I think Mauro
6 said yesterday that you adopted Robert's Rules of Order as
7 the rules of decorum for commissioners' meetings?

8 A. Correct. That was before Mauro got there,
9 sure, yes.

10 Q. Do you believe that the rules of decorum,
11 Robert's Rules in this case, need to be applied evenly
12 regardless of a speaker's viewpoint?

13 A. Say that again.

14 Q. Do you believe that the rules of decorum
15 need to be applied evenly regardless of the speaker's
16 viewpoint?

17 A. Should each person have the same right?
18 Is that what you're saying?

19 Q. Yes.

20 A. Why, sure. That's true of anything in
21 life. Everybody -- everyone should have their opinion,
22 be able to speak up.

23 Q. So what is your understanding of Robert's
24 Rules and how they work?

25 A. What do you mean by my understanding?

1 Q. Well, I mean, you know, let's just ask this.

2 Did you have a copy of Robert's Rules of Order?

3 A. Yes, I did.

4 Q. The whole book?

5 A. I had a book, correct.

6 Q. Okay. Did you read the book?

7 A. I went over the book, yes, I read the
8 book.

9 Q. Okay. So what edition did you have? Do you
10 know?

11 A. What do you mean edition? This was an old
12 edition. It was given to me by someone from the City of
13 Warren, basically, who worked there for years.

14 Q. Okay. Well, I'm going to represent to you
15 that Robert first drafted his rules in 1867. Do you have
16 any reason to disagree with that?

17 A. I wasn't around at that time.

18 Q. I didn't mean to imply that.

19 A. Okay.

20 Q. The rules have had a few editions over the
21 years. Do you understand that?

22 A. Sure. Everything changes over time;
23 you're right.

24 Q. Okay. What is the presiding officer's
25 primary responsibilities under the Robert's Rules of

1 Order?

2 A. They're to run the meeting, basically.

3 Q. Okay.

4 A. Try to keep the meeting under control.

5 Q. Okay. When you were at meetings, did you
6 always have a copy of Robert's Rules of Order on hand?

7 A. There was a copy there, yes. My copy was
8 always there, yes.

9 Q. Was it a cheat sheet or was it the full
10 book?

11 A. It was the book. It's probably still
12 sitting there. I didn't take it.

13 Q. Under Robert's Rules of Order, do you have
14 to create an agenda?

15 A. We do have an agenda for every meeting,
16 correct.

17 Q. Okay. And is the agenda voted on in the
18 beginning of the meeting?

19 A. What do you mean by voted on?

20 Q. Well, when you began a meeting, did you vote
21 to approve the agenda at the beginning of the meeting?

22 A. Yes. We always approved the agenda,
23 correct.

24 Q. Okay. Because my understanding, the general
25 Robert's Rules of Order, you start the meeting, correct?

1 A. Correct.

2 Q. Kind of open it up?

3 A. Correct.

4 Q. Most local governments say the pledge at
5 that point in time, correct?

6 A. And we say a prayer.

7 Q. Okay. And after you're done with the pledge
8 and the prayer, typically speaking, the first order of
9 business is to approve the agenda, correct?

10 A. Correct. I think that's --

11 Q. So someone calls a motion and there's a
12 second, you vote to approve the agenda?

13 A. Correct.

14 Q. And the third order of business -- I guess
15 kind of fourth is to vote on the meeting minutes from the
16 previous meeting, typically, correct?

17 A. Somewhere in there, yes.

18 Q. Right. And then more often than not
19 government gets into legislation and discussions at that
20 point, correct?

21 A. At times, yes.

22 Q. Sometimes there might be committee reports
23 before that, but typically speaking, it's either committee
24 reports and then you get into legislation?

25 A. Yes. There was some confusion. One of

1 the commissioners decided the meeting -- the public
2 should be able to speak at the beginning and you should
3 be able to do some things at the beginning, so we went
4 along with it at times.

5 Q. Okay. So sometimes you have public
6 discussion at the beginning?

7 A. Correct. We did have some at the
8 beginning, correct.

9 Q. Okay. I've seen a lot of governments do
10 that, so -- but after legislation, generally speaking, you
11 might get into public participation at that point in time,
12 correct?

13 A. Correct.

14 Q. And then often it's old business?

15 A. Right. And there were times when we would
16 have special reports that we would read at the
17 beginning, sometimes we read them at the end.

18 Q. Okay.

19 A. It varied.

20 Q. After old business tends to get into new
21 business, correct?

22 A. Correct.

23 Q. And then typically speaking most governments
24 start to adjourn at that point in time. Do you agree to
25 that?

1 A. When it's all over and we give the public
2 the opportunity to speak, we adjourn the meeting,
3 correct.

4 Q. Okay. So are you aware that Robert's Rules
5 of Order require any amendments to the agenda to be made
6 by motion and vote?

7 A. Correct.

8 Q. You would agree to that. Do you agree that
9 Robert's Rules of order require the Chair to follow the
10 agenda?

11 A. We always follow the agenda.

12 Q. So you agree with that statement, that
13 Robert's Rules require you to do that as the Chair?

14 A. Correct.

15 Q. And if someone wants to amend the agenda
16 under Robert's Rules of Order, you understand there needs
17 to be a motion and vote to do that?

18 A. If two commissioners agree, you can make
19 that change.

20 Q. Okay. But someone needs to make a motion to
21 amend --

22 A. Someone can make a motion.

23 Q. And when they make a motion to amend the
24 agenda, there can be a discussion about whether or not to
25 do that and then ultimately a second and a vote, correct?

1 A. Correct.

2 Q. Okay. Are you familiar with the different
3 types of motions under Robert's Rules of Order?

4 A. I'm assuming I am.

5 Q. Okay. How about -- let's find out.

6 A. Okay.

7 Q. So are you aware that there's a difference
8 between a subsidiary and a privileged motion, for
9 instance?

10 A. Okay.

11 Q. Well, you're saying okay.

12 A. What's the difference?

13 Q. Well, I'm asking you. Are you familiar with
14 the difference?

15 A. Not -- you explain it, and I'll tell you
16 whether I'm familiar with it or not.

17 Q. Okay. I'll try to do that.

18 A. Okay.

19 Q. I mean, generally speaking, I'm here to ask
20 questions, not really kind of answer them, but how about I
21 try to get it through a series of questions.

22 A. You said at the beginning that if I didn't
23 understand it fully what you're saying that you would
24 explain that.

25 Q. Okay. Fair enough. What does point of

1 order mean, to your understanding?

2 A. Point of order, stay on track.

3 Q. Okay. What does an order of the day motion
4 mean to you?

5 A. Order of the day?

6 Q. Yes.

7 A. I have no idea.

8 Q. Okay.

9 A. What are you saying?

10 Q. All right. Well, are you aware that when
11 someone makes a motion or brings up that the agenda's
12 being deviated from that they're making an order of the
13 day motion?

14 A. Oh, yes, that I understand, sure.

15 Q. Okay. Do you understand that that is
16 actually considered to be a privileged motion under
17 Robert's Rules of Order?

18 A. It's a privileged to do that?

19 Q. It's a privileged motion is what it's called
20 under section 18 of Robert's Rules of Order.

21 A. Privileged motion has to be okayed by two
22 commissioners; is that correct?

23 Q. Well, I'm going to ask you a few questions
24 to see if you know. So if a member points out that the
25 order of the agenda is not being followed, do you

1 understand the process under Robert's Rules of Order at
2 that point in time?

3 A. We follow the agenda every meeting that I
4 was at.

5 Q. Okay. But if someone deviated from the
6 agenda and one of the members feels like there's a
7 deviation from the agenda and he or she brings that to
8 your attention, are you aware of the process laid out
9 under section 18 of Robert's Rules of Order?

10 A. You mean if a person changes the agenda?

11 Q. Yes, if they deviate from it.

12 A. If someone brings that up -- deviates from
13 the agenda and someone brings that out.

14 Q. Uh-huh.

15 A. There again, commissioners have to agree
16 on it. This is a deviation.

17 Q. You're saying that you think that if
18 someone -- a member of the board brings up that there's a
19 deviation from the agenda, the commissioners have to agree
20 on it. Does that mean that you have to call a vote at
21 that point in time?

22 A. That's not really what we do, right.

23 Q. Okay. So what your testimony is right now
24 is if the agenda's being deviated from and a member brings
25 that up that you're supposed to call a vote at that time?

1 A. Correct.

2 Q. Okay.

3 A. And we do or we did. I don't do it
4 anymore.

5 Q. That's fair enough. I understand that
6 you're no longer a commissioner and would like to enjoy
7 retirement.

8 A. Right.

9 Q. Me too someday. So are you aware that under
10 section 18 of Robert's Rules of Order that if a member
11 feels the agenda is being deviated from, he or she is
12 allowed to interrupt the speaker?

13 A. Interrupt the speaker?

14 Q. Yes.

15 A. If I'm speaking, she could just -- he or
16 she can just interrupt me? Is that what you're saying?

17 Q. Well, I'm asking if that's your
18 understanding of section 18 of Robert's Rules of Order.

19 A. What do you mean by interrupt the speaker?

20 Q. Well, my question is, if someone's speaking
21 and they're speaking about a matter that's not currently
22 on the agenda --

23 A. Right.

24 Q. -- whether or not an order of the day
25 objection gives them the ability to interrupt that speaker

1 and immediately call a question?

2 A. In a proper way.

3 Q. Okay. Do you understand that that is a
4 privilege motion under section 18?

5 A. Okay. That's fine.

6 Q. Is that a yes?

7 A. I don't recall section 18, so --

8 Q. As a Chair -- when you were the Chair --

9 A. Correct.

10 Q. -- we'll be clear about that. You're no
11 longer the Chair.

12 A. No, I'm not.

13 Q. You're just sitting in one now, but it's not
14 the Chair?

15 A. That's true. It's a pretty comfortable
16 chair.

17 Q. That's good. But you understand that when
18 you're Chairing a meeting that once upon a time, I guess
19 this is probably more of a statement than a thing that
20 part of Robert's Rules of Order actually kind of outdated,
21 but somewhat required somewhat of an elevated chair. Do
22 you know that?

23 A. Okay.

24 Q. Obviously we don't really do that anymore,
25 correct?

1 A. Correct.

2 Q. Tends to be that most meetings kind of have
3 their leaders little bit elevated behind kind of a
4 platform, right?

5 A. Okay.

6 Q. So having said that, though, sometimes as a
7 Chair you would participate in debates, correct?

8 A. As a commissioner, I would participate in
9 the debates, whether I'm the Chair or not the Chair.

10 Q. Correct. So sometimes you would involve
11 yourself in debate and deliberation, correct?

12 A. If it was necessary.

13 Q. Okay. Do you agree that Robert's Rules of
14 Order require you to relinquish control of the Chair when
15 you enter into the debate?

16 A. Yes, I do, and it was a tough job over the
17 last couple of years.

18 Q. Okay. So you would agree when actually
19 you're the one that initiates a debate about a particular
20 topic, you're not really supposed to necessarily be
21 deciding the order of the day at that point, correct?

22 A. What do you mean, deciding the order of
23 the day?

24 Q. Well, if I were to represent to you that
25 section 4329 of Robert's Rules of Order kind of talks

1 about when the Chair is engaged in debate, it would not
2 seem impartial for him to continue to moderate that
3 debate; would you agree with that?

4 A. What do you mean by moderate? You mean
5 control that debate?

6 Q. Correct.

7 A. Well, the Chair's supposed to control the
8 meeting.

9 Q. Well, but according to Robert's Rules of
10 Order, you would disagree when you're the one engaged in
11 debate, that's no longer the case. You're supposed to
12 relinquish your Chair?

13 MS. SUDHOFF: Objection. You may answer.

14 A. Yeah, I don't understand what you're
15 saying. I give up my Chairship for that period of time?
16 Is that what you're saying?

17 Q. Well, that's my understanding. Is that not
18 your understanding?

19 A. That, I don't know.

20 Q. If you don't know, that's your answer. Do
21 you consider it to be your responsibility of Chair to be
22 completely familiar with Robert's Rules of Order?

23 A. Well, we followed Robert's Rules of Order
24 for 16 years. I didn't go read that book every day to
25 make sure that I was following Robert's Rules of Order.

1 Q. Okay. So you do -- basically your testimony
2 is there's some parts of Robert's Rules of Order that
3 you're not familiar with, then?

4 A. I'm sure most people aren't familiar with
5 some of Robert's Rules of Order.

6 Q. Okay. But you incorporated them as your
7 official rules of decorum in January of 2022, correct?

8 A. Yes, we did.

9 Q. Okay. So you would agree that in the year
10 2022 when you engaged in debate, you did not relinquish
11 your control over the meeting, correct?

12 A. You're saying that I decided that I no
13 longer was in charge of the meeting? Is that what
14 you're saying?

15 Q. Correct.

16 A. I don't know.

17 Q. Okay. Would you agree with this statement,
18 that a Chair of a meeting is in charge of fairly
19 moderating the debate and people's ability to speak during
20 the meeting?

21 A. We try -- I, as the Chairperson, gave
22 everybody the ability to speak and finish speaking as
23 long as there weren't -- but you can't control the
24 humans who are there who decide to stop the ability to
25 make sure the meeting's under control.

1 Q. Uh-huh. So do you ever interrupt anybody in
2 a debate when you were speaking at that time?

3 A. Did I ever interrupt someone?

4 Q. Uh-huh.

5 A. I don't recall that.

6 Q. So you don't think when someone was trying
7 to express their viewpoints that were disagreeable to you,
8 you don't think you ever interrupted them at that time?

9 A. I don't recall interrupting anyone. If I
10 did, I can't -- that was nine months ago.

11 Q. Okay. So you don't recall, because I'm just
12 going to ask, because there's a difference between saying
13 I don't remember and no. Would you agree with that?

14 A. There's a difference between saying I
15 don't remember --

16 Q. Yes.

17 A. Well, if I don't remember --

18 Q. Okay.

19 A. I don't understand what you're saying.

20 Q. That's fine.

21 A. I have a question for you. Do you
22 remember something that happened at one of your meetings
23 nine months ago?

24 Q. Do I?

25 A. Everything?

1 Q. Do I? I remember some things.

2 A. Okay. Do you remember them all?

3 Q. I don't know. If someone asked me specific
4 questions, I would have to figure it out.

5 A. Okay. I'm in the same boat as you.

6 Q. I happen to have a copy of Robert's Rules of
7 Order on me.

8 A. Okay.

9 Q. And this is the 12th Edition, which was the
10 current version of Robert's Rules of Order as of January
11 2022. Do you have any reason to disagree with that?

12 A. I didn't read that book.

13 Q. Okay. Well, I will tell you that it was
14 released in 2020, and it is still the current version
15 today, and it was also the current version of 2022, and I
16 got on their website to verify that. Do you have any
17 reason to disagree?

18 A. If that's what you say, then it must --

19 Q. I appreciate your deference, right. So
20 under 4329, the heading is rule against Chair's
21 participation in debate. Have you ever read this?

22 A. No, I don't remember reading that
23 particular thing.

24 Q. Okay. Well, I'm going to read it out loud
25 to you. If the presiding officer is a member of the

1 society, he has, as an individual, the same rights in
2 debate as any other member, but the impartiality required
3 of the Chair in an assembly precludes his exercising these
4 rights while he is presiding.

5 A. Okay. So you're saying once that happens,
6 I'm no longer the Chair and all three commissioners have
7 the right to speak? Is that what you're saying?

8 Q. Well, Robert continues.

9 A. Okay. If Robert says that, evidently
10 that's what it has to be.

11 Q. So normally, especially in a large body,
12 which yours was not, you should have nothing to say on the
13 merits of pending questions. Have you ever read that?

14 A. I don't recall that.

15 Q. On certain occasions, which would be
16 extremely rare, the presiding officers may believe that a
17 crucial factor relating to such a question has been
18 overlooked and that his obligation as a member to call
19 attention to the point outweighs his duty to preside at
20 the time. To participate in debate, he must relinquish
21 the Chair and in such a case he turns the Chair over.
22 Have you ever read that?

23 MS. SUDHOFF: I'm going to object. He
24 already stated he is not familiar with 4329.

25 A. No.

1 MR. MILLER-NOVAK: Well, I'm going to
2 object to talking objections.

3 A. Do you think I spent my whole career
4 reading that book?

5 MR. BETRAS: Excuse me one second. Niki
6 just texted me and said she can't get in, so let me --

7 MS. SUDHOFF: Go off the record.

8 MR. MILLER-NOVAK: Yeah, please.

9 (Off the record.)

10 Q. We were partially through this moment before
11 we took our break. So we were partially through 4329. I
12 want to go to the next beginning paragraph. It says the
13 presiding officer who relinquished the Chair then may not
14 return to it until the pending main question has been
15 disposed of since he has shown himself to be a partisan as
16 far as that particular matter is concerned. Indeed,
17 unless a presiding officer is extremely sparing in leaving
18 the Chair to take part in debate, he may destroy members'
19 confidence in the impartiality of his approach to the task
20 of presiding.

21 A. I didn't read that book of Robert's Rules
22 of Order. The book I have at work is about this thick.

23 Q. Okay.

24 A. It explained Robert's Rules, what we used
25 at the time, basically.

1 Q. Well, it doesn't --

2 A. You're reading all of these -- I'm not
3 aware of all this stuff.

4 Q. Well, I'm going to suggest -- so are you
5 saying what Robert's Rules of Order holds out as Robert's
6 Rules of Order, which is this book, is not Robert's Rules
7 of Order?

8 A. Is it that book -- or the book that I had
9 at work?

10 Q. Well, I don't know what you have at work.

11 A. The one I had at work was -- it basically
12 explained Robert's Rules of Order as we were supposed to
13 follow. It wasn't that thick.

14 Q. Well, I read your resolution in 2022, and it
15 doesn't actually say that you were supposed to follow a
16 smaller Robert's Rules of Order. You incorporate Robert's
17 Rules of Order, correct?

18 A. And was that book not Robert's Rules of
19 Order?

20 Q. Well, these are the complete Robert's Rules
21 of Order.

22 A. I used what I was given, and that was it.

23 Q. Who gave it to you?

24 A. I don't recall. That particular thing
25 that we had at work -- I have a book at home on it, it's

1 not that thick, and it's not that -- so I don't recall
2 all the things that you're talking about, to be honest
3 with you.

4 Q. Okay. But you were the Chair. Your board
5 incorporated Robert's Rules of Order as the rules of
6 decorum, and it was your job as the Chair to know those
7 rules.

8 A. I knew every rule that I thought I had to
9 know.

10 Q. Okay. Well, I'm going to go ahead and pull
11 up the website, and I guess we can just view it together.
12 Did you have the in brief version?

13 A. No.

14 Q. Okay. So this is Robert's Rules official
15 website, and this is the official book. Do you see that?

16 A. I'm happy to see that now.

17 Q. And that's the official book since 2020; do
18 you understand that?

19 A. I wasn't given that book in 2020.

20 Q. Would you agree that this looks like the
21 book that I'm holding?

22 A. It looks like it, yes.

23 Q. Okay.

24 A. So you expected me to read that entire
25 book and forget about my job that required an awful lot

1 of work and concentrate just on Robert's Rules of Order?

2 Q. Well, I'm going to represent to you, I don't
3 necessarily expect anything. What I understand and what
4 you told me as well as what Mauro told me is that in
5 January of 2022 you incorporated Robert's Rules of Order,
6 correct?

7 A. We did incorporate Robert's Rules of
8 Order.

9 Q. Okay. And I'll represent to you that one of
10 the rules of Robert's Rules of Order is that the Chair is
11 supposed to familiarize himself with Robert's Rules of
12 Order?

13 A. I did with the book that I had.

14 Q. Okay. But that's not the book that's
15 Roberts Rules of Order, is it?

16 A. Well, if someone would have given me that
17 book, I probably would have read it.

18 Q. Well, you were the Chair at the time,
19 correct? So you don't think it was your job as Chair --

20 A. Do you think that's --

21 Q. Let me finish my question, please.

22 A. Go ahead.

23 Q. You don't think that it was your Chair [sic]
24 at the time after your board incorporated Robert's Rules
25 of Order to get the book that's called Robert's Rules of

1 Order and make sure it's the official book?

2 A. Do you think that's the only job a
3 commissioner has?

4 Q. I didn't say that.

5 A. The commissioner's job is a very demanding
6 job to go to work every day, answer all the phone calls,
7 take care of the citizens of Trumbull County. Robert
8 might have some rules, but those rules don't do anything
9 as far as running the county.

10 Q. Okay. But it has everything to do with
11 running the meeting, doesn't it?

12 A. Not necessarily.

13 Q. Okay. So you think when you incorporate
14 Robert's Rules of Order --

15 A. I did.

16 Q. Let me finish my question. You think when
17 you incorporate Robert's Rules of Order to run a meeting,
18 you, as a presiding officer, have no responsibility to
19 obtain a copy of Robert's Rules of Order and learn them?

20 A. I had the copy that I was given, and I
21 used it.

22 Q. Okay. Well, would you agree that it appears
23 that that copy was not actually Robert's Rules of Order?

24 A. You're saying that.

25 Q. Well, then provide me a copy. Do you have a

1 copy of what you used?

2 A. I can take that book to every county in
3 Trumbull County and every county, and I bet you none of
4 the commissioners have read that book. You want to bet
5 on that one?

6 Q. Do I want to bet on that?

7 A. You believe that every one of these
8 commissioners have read that book?

9 Q. Do I believe it? I'm asking you whether or
10 not you got this book.

11 A. I did not read that entire book. I read
12 the book that I had.

13 Q. You didn't even get this book, did you?

14 A. Pardon me?

15 Q. You didn't even get this book, did you?

16 A. No.

17 Q. You never got on this website and looked at
18 Robert's Rules of Order?

19 A. I never realized that book existed. I had
20 the book of Robert's Rules that I followed.

21 Q. Okay. But this is Robert's Rules of Order.

22 A. If you say so, yes.

23 Q. Okay. Earlier you said you had a copy of
24 Robert's Rules of Order, the entire copy on hand at
25 meetings.

1 A. I did have a copy sitting on my left side
2 at every meeting. It's not that book.

3 Q. So would you agree sometimes during meetings
4 that while you were the presiding chair that Mauro
5 Cantalamessa would interrupt Niki Frenchko sometimes while
6 she was speaking?

7 A. Niki Frenchko interrupted many people
8 every meeting, and if Mauro would have interrupted her,
9 I don't recall all that stuff.

10 Q. Okay.

11 A. Our job at that meeting is to get the
12 agenda completed so our departments can follow through
13 with their job.

14 Q. Okay. So you're saying your primary duty
15 was to make sure the agenda was followed and completed?

16 A. Correct. That's what it's all about. We
17 have sanitary sewer departments; in a timely manner they
18 got to get these projects done. If they don't, if
19 they're interrupted and we don't get it passed, the cost
20 of those projects go up every time.

21 Job and family services, all of these departments
22 are the same. Things have to be done in a timely
23 manner. It's not about arguing about things. It's
24 about accomplishing things. That's what government's
25 about.

1 Q. So you remember Niki interrupting people
2 sometimes?

3 A. Constantly, every meeting.

4 Q. Okay. And you don't remember Mauro or
5 yourself interrupting people?

6 A. I don't remember. I may have spoken up
7 for something because I was trying to run a meeting.

8 Q. You don't remember Mauro ever --

9 A. I had to use a gavel once in a while.
10 Nothing worked, though, because one person kept speaking
11 all the time.

12 Q. You don't remember Mauro interrupting
13 people?

14 A. He might have interrupted people. I don't
15 know. I can't recall everything that happened.

16 Q. Okay. Well, you seem to have a pretty clear
17 memory regarding Niki interrupting people, correct?

18 A. She interrupted every meeting for two
19 years.

20 Q. Okay. And you're saying that Mauro didn't
21 interrupt people in meetings?

22 A. They, at times, overspoke each other. I
23 don't -- I don't remember all of that stuff. Running a
24 county is more than a meeting; do you understand that?
25 That meeting is just to pass legislation so we can do

1 the county business. That is a very demanding job.
2 People go in there every day. People call every day.
3 They need help every day. The departments need help.
4 You have to be able to run hundreds of millions of
5 dollars of business. That's what a commissioner's job
6 is. It's a full-time job, if done correctly.

7 Q. Okay. I appreciate that, but I'm not asking
8 about everything a commissioner does and every single
9 aspect of their job. I'm asking about your conduct of a
10 meeting. Do you understand that?

11 A. My conduct of a meeting was the same thing
12 for 16 years. These last two years were abnormal. Most
13 of the time we did business at the workshops, I did
14 business with each department head, we were able to make
15 an awful lot of progress.

16 Q. Uh-huh.

17 A. The progress stopped two years ago when
18 these meetings lasted -- you took two days at the
19 beginning with -- workers were sitting in meetings, a
20 workshop and a meeting, two full days almost, four
21 hours, six hours a day.

22 Q. And your belief is that Niki Frenchko
23 argued?

24 A. All the time.

25 Q. And you were an active participant in those

1 arguments?

2 A. Pardon me?

3 Q. You were an active participant in those
4 arguments?

5 A. I had to try to control the meeting, and
6 if someone wasn't under control, what can I do?

7 Q. So your testimony is now that you were only
8 a participant to try to control the meeting; it wasn't you
9 arguing?

10 A. If there are people arguing, everybody's
11 arguing.

12 Q. Right. It's a back-and-forward
13 relationship, correct?

14 A. More than likely.

15 Q. So you participated in fierce debates
16 yourself?

17 A. I've had to try to get the meeting in
18 order, yes.

19 Q. Okay. So you tried to get the meeting in
20 order sometimes by calling Niki a liar, correct?

21 A. I don't remember calling her a liar.

22 Q. Okay. You don't remember ever calling Niki
23 Frenchko a liar?

24 A. That, I don't remember.

25 Q. Okay. All right. And you don't ever

1 remember doing things like calling for investigations of
2 her during a meeting?

3 A. Investigations?

4 Q. Yes.

5 A. I don't recall any of that stuff.

6 Q. Okay. So you think when you're maybe
7 slamming a gavel or shouting that she believed -- she
8 should be investigated that that's keeping order of a
9 meeting?

10 A. When I slammed the gavel, it was trying
11 the last resort to get the meeting under control. It
12 didn't work.

13 Q. So when you --

14 A. But I didn't break down the walls of the
15 chairs in front of me, and Ms. Frenchko did that.

16 Q. That happened after you were even there,
17 right?

18 A. What's the difference?

19 Q. Well, because we're not talking about at the
20 time you weren't there. I'm asking you right now, when
21 you hit the gavel --

22 A. That was -- the gavel was given to me --
23 we used the gavel to control the meeting.
24 Unfortunately, it didn't work.

25 Q. So when you hit the gavel and you start

1 making accusations against Ms. Frenchko, do you think
2 that's an effective tool to control the order of the
3 meeting?

4 A. I don't remember accusations against
5 anybody. I do know that Ms. Frenchko made many
6 accusations against me and the other commissioners and
7 many people.

8 Q. You remember that, so you don't remember
9 making accusations against her?

10 A. I don't recall anything that I did.

11 Q. You don't remember criticizing her conduct
12 as a commissioner during meetings?

13 A. Well, if you're not running the meeting --
14 I don't recall all that stuff.

15 Q. Okay.

16 A. That was nine months ago or two years ago,
17 two and a half.

18 Q. You remember all of her conduct from nine
19 months ago, though, correct?

20 A. Pardon me?

21 Q. You remember her conduct from nine months
22 ago, correct?

23 A. It hasn't changed in two years.

24 Q. Okay. I'm going to play a video.

25 MR. MILLER-NOVAK: You can just do

1 recording.

2 Q. So I'm going to play a small segment of a
3 meeting on May 18th, 2022, and let's discuss how you
4 maintain order.

5 (Recording being played.)

6 A. Okay. So Ms. Frenchko started the meeting
7 without starting the agenda; is that what you're saying?

8 Q. Well, what I'm saying is you hit the
9 gavel --

10 A. Yes, I did.

11 Q. -- and you called for an investigation into
12 her, correct?

13 A. Well, she was doing many things that were
14 wrong at the time.

15 Q. And you told her that she basically doesn't
16 know how to do her job, correct?

17 A. I don't recall what I told her there, but
18 I was trying to control the meeting, get the meeting
19 started. Our meetings were going -- we had a meeting
20 that was six hours long. Are you aware of that?

21 Q. Well --

22 A. And she made --

23 Q. -- that's not what I asked.

24 A. Well, I'm telling you --

25 Q. Okay.

1 A. -- she made rules constantly, and two
2 months later she changed those rules and said, you guys
3 had these rules. They were her rules, the rules that
4 she made up. She made things up every -- every meeting
5 was something new that she made up.

6 Q. Okay. I am asking about a very specific
7 circumstance right here, and I'm going to ask you to
8 answer my question. And the question I asked was, right
9 there you admit that you hit the gavel --

10 A. Yes, I did.

11 Q. -- and you started criticizing her, correct?

12 A. I was telling her basically what she was
13 doing wrong, correct.

14 Q. Okay. And you said that she needed to be
15 investigated, correct?

16 A. Well, she said that everybody else had to
17 be investigated, and my comment was maybe you have to be
18 investigated also.

19 Q. Okay. And you told her that she doesn't
20 even know how to do the job, correct?

21 A. Well, the way that I know the job going to
22 work every day was doing the job, meeting with
23 departments, not telling department heads they didn't
24 know how to do the job. She told the auditor, you don't
25 know how to do your job, had two awards every year for

1 the entire time he was there. She knew more than him.

2 Q. So, in other words --

3 A. Same thing with health department and
4 everybody else.

5 Q. The issue is, you believe she was wrong with
6 what she was saying?

7 A. Evidently.

8 Q. And you thought what she was saying was
9 inappropriate?

10 A. At the time I must have.

11 Q. And you didn't like what she was saying
12 about employees?

13 A. Evidently I didn't.

14 Q. So you stopped her from finishing that
15 statement?

16 A. I don't recall whether she finished the
17 statement or not.

18 Q. Well, you just saw yourself slam the gavel,
19 right?

20 A. We had to do that -- we had to do that
21 every meeting with her.

22 Q. Right. When she was --

23 A. She never let anybody speak. She never
24 let anybody finish a sentence.

25 Q. Okay. And you didn't let her finish her --

1 A. Did you watch all the films of every
2 meeting?

3 Q. I watched many videos. I'm asking a
4 question about this video. You did not let her finish
5 speaking.

6 A. I don't exactly remember what happened
7 there. That was a long time ago. Must have been over a
8 year ago.

9 Q. Okay. But you seem to remember a lot about
10 Niki's conduct. I'm asking you about yours right now, so
11 in that video when she was talking about employees and
12 asking for investigation into certain employee conduct,
13 you slammed your gavel and you wouldn't let her finish her
14 statement.

15 A. That's because we were supposed to start a
16 meeting, and she chose to do that before we started the
17 meeting. At that time we were supposed to have those
18 comments at the end of the meeting.

19 Q. Okay. So you think it's extremely important
20 to follow the order of business then?

21 A. As much as we possibly can.

22 Q. Okay. So you think it's okay for yourself
23 to deviate from the order of business?

24 A. The order was changed by Ms. Frenchko.
25 She decided we should have comments at the beginning of

1 the meeting. You don't recall that. You weren't there.

2 Q. I'm asking about you.

3 A. I'm telling you --

4 Q. Okay.

5 A. -- that she is the one who decided we
6 could -- should have comments at the beginning of the
7 meeting because some people weren't able to be there at
8 the end of the meeting, and I just followed exactly what
9 she said. We tried to work with her. We tried to do
10 things -- some of the things that she was asking for.

11 Q. Do you think it's okay for you, Frank Fuda,
12 in the middle of a meeting to deviate from the agenda?

13 A. We didn't deviate from the agenda. What
14 meeting are you talking about?

15 Q. At any meeting, do you think it's okay for a
16 Chair in the middle of the meeting to deviate from the
17 agenda?

18 A. In the middle of a meeting?

19 Q. In the middle of any meeting.

20 A. I don't recall deviating in the middle of
21 any meeting.

22 Q. Okay. I want to talk about the meeting on
23 July 7th, 2022.

24 A. Okay.

25 Q. Do you recall that that's the meeting where

1 Ms. Frenchko was arrested?

2 A. I'll tell you exactly what happened that
3 meeting.

4 Q. Well, that's a simple yes or no question.

5 A. I would like to explain what happened that
6 meeting.

7 Q. I will give you every opportunity to do
8 that. Right now I'm asking you, do you recall whether or
9 not that was the meeting that Niki Frenchko was arrested?

10 A. I recall that meeting, yes.

11 Q. Okay. And she was arrested in that meeting,
12 correct?

13 A. I believe -- I don't think she was
14 arrested in the meeting. She might have been arrested
15 after the meeting. She was taken out of the meeting.
16 Many people have been taken out of meetings. They
17 weren't arrested. They were taken out of the meeting
18 for disrupting the meeting.

19 Q. Okay.

20 A. She wasn't arrested at that meeting.

21 Q. Let's talk about that, then. You brought up
22 something. So who was taken out of meetings in the past?

23 A. I don't recall all those people that were
24 taken out of meetings.

25 Q. Were they taken out of meetings by the

1 deputies?

2 A. They were taken out of the meetings by
3 deputies.

4 Q. And none of them in the past were ever
5 arrested?

6 A. That, I don't know.

7 Q. Okay. Do you ever specifically recall
8 anybody that was removed from a meeting being arrested?

9 A. I don't remember any of those -- I don't
10 know who was arrested. I don't believe anybody was
11 arrested after the meeting. I don't know.

12 Q. You recall people being removed --

13 A. That's --

14 Q. Let me finish.

15 A. Let me finish. The job of arresting
16 someone is the sheriff's job. Each elected official has
17 a duty to do. I have no authority over anything that
18 sheriff does. The sheriff does his job. I don't do it.
19 I don't tell him what to do. The public are the people
20 who controls the elected officials.

21 Q. And the sheriff has no authority over a
22 commissioner, then; would you agree with?

23 A. That I totally agree with that.

24 Q. And the sheriff also has no ability to force
25 a commissioner to follow his employment policies; would

1 you agree with that?

2 A. What do you mean by follow his employment
3 policies?

4 Q. Well, if a sheriff has a complaint
5 procedure, he has no ability to enforce a commissioner to
6 follow that, correct?

7 A. I'm not sure what you're asking. You're
8 saying the sheriff -- say that again.

9 Q. I'm asking you, does the sheriff have an
10 authority to order a commissioner to follow his internal
11 procedures?

12 A. The sheriff has to do his job as a
13 sheriff. If someone's interrupting a meeting, that's up
14 to him.

15 Q. Okay.

16 A. It has nothing to do with the job of the
17 commissioner. He's doing his job as the sheriff.

18 Q. So it's your testimony right now that you,
19 as Chair of a meeting, have no ability to determine when
20 you believe someone is disturbing the meeting?

21 A. That's not my duty really.

22 Q. It's not your duty to determine whether or
23 not someone's disrupting a meeting?

24 A. It's -- as Chairman, I try to keep the
25 meeting appropriately run without people just making

1 things up or saying things that don't fit.

2 Q. Did you ever have Mauro ask for your
3 permission before he spoke during meetings?

4 A. Did I ever what?

5 Q. Have Mauro Cantalamessa ask for your
6 permission to speak before he speaks at a meeting?

7 A. I don't recall that.

8 Q. Okay. So when commissioners speak during
9 meetings, you don't ask them -- they're not required to
10 ask, Mr. Chair, may I have the floor?

11 A. Nobody asked.

12 Q. You never did that?

13 A. No.

14 Q. Okay.

15 A. I think it's happened in the past, but I
16 don't recall when.

17 Q. Okay. So in two thousand --

18 A. I was there 16 years. Things change year
19 after year in those 16 years.

20 Q. So in 2022, you did not require your other
21 commissioners to ask your permission to have the floor?

22 A. In 2022?

23 Q. Yes.

24 A. The commissioners still have to follow a
25 procedure that we have for our meetings.

1 Q. Well, the procedures are Robert's Rules of
2 Order, correct?

3 A. But if we're doing the agenda, you
4 don't -- I don't understand exactly what you're saying.

5 Q. Well, under Robert's Rules of Order, a
6 Chairman is supposed to require the rest of the board to
7 ask for permission before they speak, correct?

8 A. I don't recall exactly what the rule is.

9 Q. Okay. So you don't know whether or not
10 Robert's Rules of Order require people to ask the
11 chairperson to speak before speaking?

12 MS. SUDHOFF: Objection. You may answer.

13 A. I don't have an answer for you.

14 Q. Okay. So if I was to represent the Robert's
15 Rules of Order do require that a Chair require that, would
16 you have any reason to disagree with that?

17 MS. SUDHOFF: Objection.

18 A. Again, I had my book on Robert's Rules of
19 Order. I don't know what that book is. It's the one
20 that you say we passed, and I bet you every county in
21 the State of Ohio passed it and nobody knows everything
22 in that book.

23 Q. Well --

24 A. Want to bet on it?

25 Q. Don't some counties actually create their

1 own rules of decorum?

2 A. That, I don't know.

3 Q. Well, not every county actually incorporates
4 Robert's Rules of Order for their official rules of
5 decorum, correct?

6 A. I don't know what other counties do.

7 Q. As commissioners, you have the power to
8 actually create your own rules of decorum, correct?

9 A. Well, I had a Robert's Rules of Order that
10 I followed.

11 Q. Okay. Well, I read the 2022 January
12 organizational meeting minutes, and I'm going to tell you
13 that it says that you're incorporating Robert's Rules of
14 Order. It does not say Frank's Robert's Rules of Order,
15 does it?

16 A. I have no answer for you.

17 Q. Okay. So you think in 2022 when your
18 resolution says we're incorporating Robert's Rules of
19 Order as the official rules, you don't think that that
20 means the current Robert's Rules of Order?

21 A. I had my set of Robert's Rules of Orders
22 that I followed, and that's what I did.

23 Q. Okay. Did your set of Robert's Rules of
24 Order require that the commissioners ask to speak to you
25 before speaking?

1 A. I don't remember that being in that copy
2 of it.

3 Q. Okay. You don't remember one way or the
4 other?

5 A. No.

6 Q. Okay. So you don't think it's pretty common
7 practice for public bodies to have a presiding officer and
8 for people to have to ask to speak before speaking?

9 MR. YOSOWITZ: Objection. Go ahead.

10 A. I have nothing to say about that.

11 Q. When you were on a -- was it a city council
12 in the past? Was it Niles; is that correct?

13 A. Correct.

14 Q. Did you have a presiding officer in Niles?

15 A. We had a president of council.

16 Q. And before you spoke at Niles, did you have
17 to ask for permission to speak before speaking?

18 A. I don't believe we did.

19 Q. Okay. Did they follow Robert's Rules of
20 Order?

21 A. I don't recall. That was 17 years ago,
22 and Robert's Rules of Order were never brought up.

23 Q. So just to be clear, you did not follow the
24 20th Edition Robert's Rules of Order when you were
25 presiding over the meetings in the year 2022?

1 MS. SUDHOFF: Objection.

2 A. All I know is we ran a very successful
3 county that was respected all over the state for 14
4 years. We made so much progress that people couldn't
5 believe that we made that amount of progress, especially
6 in the sanitary sewer and water departments. And we did
7 it by following what we followed.

8 Q. Well, let me ask you a question. Since you
9 didn't answer mine, I'll just ask another one. So in
10 2022, you're saying that if you ask any of the people,
11 that they would tell me that you made great progress,
12 correct? Is that a fair --

13 A. We did a tremendous job. The records are
14 there to speak for themselves.

15 Q. Okay.

16 A. The fact that we operated over the years
17 without the funding that we needed. We didn't raise
18 taxes. We didn't do anything. We operated and we made
19 progress during the worst economic times. We were very
20 successful and well respected at the committees in
21 Columbus.

22 Q. So, but nonetheless, Niki Frenchko beat one
23 of those incumbents in the election, didn't she?

24 A. She what?

25 Q. She beat one of the incumbents in the

1 election.

2 A. Yes. I helped her.

3 Q. Okay. So if the people were satisfied with
4 what the incumbents had done, then she wouldn't have won
5 her election, correct?

6 A. What did I tell you? I helped her.

7 Q. I understand that.

8 A. Why did I help her? We had one problem in
9 the county, and I got rid of that problem.

10 Q. Okay.

11 A. And I thought I was going to fix it.

12 Q. So but earlier you said everything was fine
13 until Niki Frenchko was elected.

14 A. Everything was fine as far as the progress
15 we made. It didn't mean that an elected official wasn't
16 contributing and wasn't causing concerns that I had.
17 And when I feel there's something not working in the
18 county, I try to respond. I did what I thought was best
19 for Trumbull County at the time.

20 Q. So I'm going to ask again. So just to be
21 clear, you did not -- you did not preside over the
22 meetings according to Robert's Rules of Order?

23 A. That, I don't know.

24 Q. Okay. You don't know?

25 A. No.

1 Q. Okay.

2 A. I didn't read that book.

3 Q. So in July of 2022, July 7th of 2022, you
4 had received -- actually, we'll just -- Exhibit 1, please.

5 A. Thank you. Yes, I did receive this.

6 Q. So you received this on July 5th, 2022,
7 correct?

8 A. Correct.

9 Q. And you would agree that's two days before
10 the meeting on July 7th, 2022?

11 A. Correct.

12 Q. And you had already read this prior to
13 July 7th, 2022, correct?

14 A. Correct.

15 Q. Okay. And this is -- this is directed to
16 Commissioner Fuda, Commissioner Cantalamessa and
17 Commissioner Frenchko, correct?

18 A. Correct.

19 Q. And this letter, I've read it, it does not
20 direct you to read it during a commissioner's meeting,
21 does it?

22 A. I called the sheriff. I received this
23 letter. The sheriff and Ms. Frenchko -- the sheriff did
24 many things for Ms. Frenchko. He was much closer to
25 Ms. Frenchko than he was to Frank Fuda. Frank Fuda

1 worked with the previous sheriff. We had meetings every
2 week with the auditor to make sure we were doing things
3 to make the county operate better.

4 Mr. Monroe was different. He very seldom met with
5 me. I know he did many favors for Ms. Frenchko. He
6 did -- gave her a special parking, gave her several
7 things. Did many investigations for her. I didn't have
8 a relationship with this sheriff because he didn't -- he
9 didn't work as a group.

10 He gave this letter to me. I got this letter. I
11 called him, and I said, do you want me to read this at
12 the meeting. That's something -- when we got letters of
13 this type, we did it for 16 years. We would read these
14 letters at the meeting, and I did it. I tried to.

15 And what happened in this particular meeting, a
16 couple of minutes into the meeting there was a phone
17 call, important phone call. I went and took the phone
18 call. My wife, who doesn't go to the doctor for any
19 reason, was at the doctor's office. My wife -- I was
20 told that my wife was being transferred to Trumbull
21 Memorial Hospital.

22 Q. Uh-huh.

23 A. They said it would probably take a little
24 while, so I figured I'd come back and finish the
25 meeting. I explained that when I got back in the

1 meeting. I had an important phone call. At the
2 meeting, I had the clerk read this because I was in no
3 condition -- my wife's life was most important to me at
4 that time, so I had the clerk try to read this letter.
5 And letters about me and other people were read over the
6 years many times. Nothing different than what happened.

7 When the clerk started reading this letter,
8 Ms. Frenchko got up out of her seat and walked all the
9 way around in front of the clerk and kept screaming at
10 her, not allowing her to read the letter. The lady
11 couldn't get anything out. I felt bad for the clerk.
12 Is that the way you treat a worker?

13 Q. Well, actually that's a good question. So
14 you have never interrupted an employee when he's trying to
15 speak during a meeting?

16 A. Ever interrupted an employer?

17 Q. An employee. Have you had an employee come
18 in to speak to commissioners and interrupt him?

19 A. I don't remember what I did in 16 years.

20 Q. I'm talking about in the year 2022. At any
21 point in the year 2022 had maybe an employee come in to
22 criticize you during the meeting and you interrupted him?

23 A. You give me that and I'll explain it to
24 you.

25 Q. Okay.

1 A. Who was the employee?

2 Q. I think there was a person with a highway
3 department that came in. He was trying to speak, and I
4 think I watched a video. You interrupted him quite
5 frequently.

6 A. Yes. That was -- Mr. Papalas.

7 Q. Yeah. And you interrupted him a lot.

8 A. And I explained to him -- he kept
9 making -- saying things, and I said it was about -- what
10 was it? The highway engineer took -- and I said I don't
11 care how many times the highway engineer tells you
12 something that's not true. If he says it once, it's not
13 true. If he says it's twice, it's not true. If he says
14 it five times. And that's what he said, five times he
15 did this. I just set him straight. I wasn't stopping
16 him from speaking.

17 Q. So when he's speaking and you start speaking
18 while he's speaking, that's not interrupting?

19 A. You're allowed two minutes to speak. I
20 gave him time to start speaking. He spoke. He
21 explained what he had to say, and I responded to what he
22 said. I didn't cut him off. I responded to what he
23 said.

24 Q. Okay. Let's watch it.

25 A. I'll watch it.

1 Q. Okay. Because I'm going to represent to you
2 that the video I watched, you were cutting him off a lot
3 to the point where actually that gentleman looked at you
4 and said, you're interrupting me. Do you recall that?

5 A. I don't recall what Mr. Papalas said at
6 that time.

7 Q. Okay. So just, as a general rule, though,
8 if you interrupt people, like it's okay for you to
9 interrupt speakers when they're trying to talk?

10 A. I don't understand what you're saying.
11 Let me see the film.

12 Q. Okay. We'll watch it. That's fair. We
13 might get another ad for Planet Fitness. I don't know if
14 Facebook's trying to tell me something, but --

15 (Recording being played.)

16 A. Hit full screen.

17 MR. BETRAS: Full screen it.

18 MR. MILLER-NOVAK: Thanks, guys.

19 Q. It's not him. All right.

20 A. I can't hear anything he's saying.

21 Q. So you didn't hear yourself interrupt him,
22 then?

23 A. No.

24 Q. Okay. Well, if you can't hear it, then --

25 MR. BETRAS: Want me to see if we can put

1 it on the TV?

2 A. See, we actually -- I worked with the
3 highway department every phone call -- every phone call
4 for the -- I can't say -- many phone calls --

5 (Recording being played.)

6 Q. It's just sound. Can you hear that?

7 A. Who is that?

8 Q. It's the county engineer, the highway county
9 engineer, the same gentleman we just saw.

10 A. He's not -- he's not the county engineer.
11 He's a worker for the county engineer.

12 Q. Okay. He's an employee of the county,
13 correct? And he's speaking --

14 A. Correct. County engineer.

15 Q. Can you hear this, though?

16 A. Yeah.

17 Q. Okay.

18 (Recording being played.)

19 Q. So he accused you of speaking mistruths
20 about the highway department, correct?

21 A. And that's totally false.

22 Q. Okay. And you told him and you interrupted
23 him to tell him it was false, correct?

24 A. Correct.

25 Q. Okay.

1 A. And I'll explain the highway department to
2 you. What did he say? The person called the
3 commissioner's office, and this happened constantly.

4 Q. Mr. Fuda, I just want you to answer the
5 questions I'm asking.

6 A. I want to speak.

7 Q. How about this, we'll stipulate to the fact
8 that you believe that he was not telling the truth.

9 A. I know he wasn't because I called -- I
10 called that -- I had to do that constantly for the
11 highway department, because I went to work every day.

12 MS. SUDHOFF: Let's take a break.

13 MR. MILLER-NOVAK: That's fair.

14 MS. SUDHOFF: If that's all right.

15 MR. MILLER-NOVAK: I understand. That's
16 fine.

17 (Off the record.)

18 (Recording being played.)

19 Q. So at that point right there, Ms. Frenchko
20 tried to ask him a question, and you yelled at her for not
21 letting people speak, correct?

22 A. What happened at that point, which you
23 didn't show, I asked that same gentleman, I said, and
24 how many times have I called the highway department over
25 the years? He said hundreds. You know why? Because

1 the people call the commissioner's office and they don't
2 know that we're not in charge of the highway department,
3 but instead of saying they can't get through to the
4 highway department, so I would call a member of the
5 highway department, and they would take care -- I would
6 go out with them, Mesopotamia, you name it, I went with
7 them. And he knows that.

8 Q. Well, that's not the question I asked. I'm
9 just asking --

10 A. I'm telling you, you show what you want to
11 show --

12 Q. Yeah.

13 A. -- but I never complained about those
14 people not doing that job.

15 Q. I'm sure you're 100 percent correct. That's
16 not the question I'm asking.

17 A. I sent that to -- I sent that to them just
18 like I did every other time. And he did admit that, but
19 his boss didn't want to hear that part.

20 Q. Okay. What I asked you specifically --

21 A. Yes.

22 Q. I'm going to ask it again.

23 A. I didn't interrupt him. I answered his
24 question.

25 Q. Okay. So --

1 A. If you notice, I said that's good. Didn't
2 know that.

3 Q. Are you going to let me finish my question?

4 A. Sure. Go ahead.

5 Q. Okay. So what I'm asking you is at that
6 point Ms. Frenchko tried to ask him a question and you
7 yelled at her for not letting people speak, didn't you?

8 A. Did I yell at her for not -- I don't
9 remember that.

10 Q. Well, we'll rewind it ten seconds, I guess.

11 (Recording being played.)

12 Q. So at that point in time she asked --

13 A. She tried to interrupt us.

14 Q. And --

15 A. Did she not? Did she not?

16 Q. Yeah. And the speaker actually corrected
17 you and said you're not letting him speak, didn't he?

18 A. Which speaker? The speaker?

19 Q. Yes.

20 A. I think he was embarrassed because he said
21 you did hundreds of projects with us, and that's not the
22 commissioner's job but I went out of my way for the
23 citizens of Trumbull County and made sure those projects
24 got done, and I never criticized these people for these
25 projects. I just called and explained that these things

1 had to be done. So you can listen to whatever you want
2 there. I know what happened.

3 Q. Okay. Well, we'll rewind it ten seconds
4 again, and we'll keep doing this until you answer my
5 question.

6 (Recording being played.)

7 A. She wasn't --

8 Q. Okay.

9 A. Did you hear her interrupt? I want, I
10 want, I want.

11 Q. Yeah, but how many times did you interrupt
12 him before that point?

13 A. I said, you're right. That's what I said.

14 Q. You didn't ever disagree with him during
15 that whole entire exchange?

16 A. We didn't have a disagreement. I was
17 under -- I did get those phone calls, not my job to do
18 that. I did it for 16 years with those highway
19 engineers. This is a game that was being played, and
20 I'm not going to go into that stuff. I know what the
21 situation is.

22 Q. Okay. We'll try it again, because that
23 wasn't my question.

24 (Recording being played.)

25 Q. So at that point in time when you yelled at

1 her for interrupting him, that gentleman told you that you
2 were not letting him speak, didn't he?

3 A. I let him say everything he had to say.

4 Q. Okay. That's not the question. He told
5 you, you're not letting me speak, didn't he?

6 A. I listened to everything he said and I
7 responded.

8 Q. Okay. So is that a yes or a no?

9 A. I didn't stop him from speaking. I
10 answered what he said.

11 Q. Okay.

12 A. But I'm not going --

13 Q. What he said was you're not letting me
14 speak. That's what he said in the recording, isn't it?

15 A. No. He said basically that I was accusing
16 him of things, and I wasn't accusing them of anything.
17 All I was telling him -- I told the people what I did
18 for 16 years, that I'm not part of the highway
19 department, but I'll get to a highway department person,
20 and we did that. And he mentioned in there, you did
21 that hundreds of times.

22 Q. Okay. Are you refusing to answer my
23 question that I asked?

24 A. I answered your question.

25 Q. I really don't think you have. It's a

1 simple yes or no question. At that point in the recording
2 he said you are not letting me speak to you, didn't he?

3 A. He said that?

4 Q. Yes.

5 A. I don't remember that.

6 Q. Well, let's play it again.

7 A. I let him speak.

8 Q. Why don't you listen?

9 (Recording being played.)

10 A. Who was that that said that?

11 MR. MILLER-NOVAK: Do you want to take a
12 break, because your client needs to answer my questions.

13 MS. SUDHOFF: Yep. Let's step in the
14 other room real quick.

15 A. So that was --

16 Q. Talk to your counsel. Don't talk to me.

17 MS. SUDHOFF: Come on real quick.

18 (Off the record.)

19 A. Okay. I understand. I didn't realize --
20 I thought that was me saying what he said. See, I have
21 this thing -- these hearing aids. Sometimes the voices
22 are -- I thought I was saying -- I was saying that, to
23 be honest with you.

24 Q. Okay. So his name is Tom Klejka, correct?

25 A. Yeah, I know Tom very well.

1 Q. So at that point he told you that you were
2 interrupting him?

3 A. Evidently he did. I didn't realize that
4 was him speaking, to be honest with you. He has -- I
5 have this hearing problem as far as voices, and he has
6 one of those squeaky voices.

7 Q. Okay. We won't tell Tom you said that.

8 A. Okay.

9 Q. We'll just move on.

10 A. Well, it's true.

11 Q. All right. Now I'm going to feel self
12 conscious about my voice, Frank.

13 A. You have a stronger voice.

14 Q. Thank you.

15 A. You have a more masculine voice.

16 Q. Thank you.

17 A. I'm just telling you.

18 Q. We won't tell Tom that either.

19 A. You have a deep voice. That's the truth.

20 Q. Oh, man. I'm going to thank you for my best
21 deposition moment ever.

22 MR. BETRAS: For the record, I don't think
23 you have a masculine voice.

24 A. You just spoke with a deeper voice. I
25 mean, it wasn't a squeaky voice.

1 Q. Thank you so much. Let's get back on track.

2 All right.

3 A. All right. Where we going next?

4 Q. All right. Let's do it. All right. So,
5 actually, we will go back for a second. So would you
6 agree, generally, that while that gentleman was speaking
7 you were interjecting your thoughts and ideas?

8 A. I was trying to answer what he was saying.
9 That's all.

10 Q. Okay.

11 A. We talked in this way for 16 years.

12 Q. Okay. You talked in that way -- when
13 speakers were talking, you would interject what your
14 thoughts were?

15 A. Normally we didn't do this stuff in a
16 meeting. Constantly, they would come into the office,
17 pick me up, but I don't want to get into it. We could
18 go on for hours, if you want, about all the projects
19 that we did together. And he was -- he did mention
20 that.

21 Q. Okay. So but you would agree that when he
22 was talking, you were interrupting him?

23 A. I was answering what he was saying.
24 That's all.

25 Q. Okay. But he was in the middle of a

1 sentence sometimes when you were talking?

2 A. That -- if that was the case, that was the
3 case.

4 Q. Okay. And you were not arrested in that
5 meeting, were you?

6 A. What would I be arrested for?

7 Q. Interrupting him.

8 A. You mean anytime someone gets --
9 interrupts someone they should get arrested?

10 Q. Do you think that?

11 A. I don't know. I don't know where you're
12 going, but that's -- let's move on.

13 Q. So you're not going to answer that question?

14 A. If someone interrupts in a manner that the
15 sheriff feels is a bad situation, I could understand him
16 doing his job. We weren't in a -- we weren't in an
17 argument or I didn't try to stop him from speaking. He
18 spoke. I answered his speech. That's all.

19 Q. Okay. So in other words, like, if an
20 interruption is positive, it's okay, but if an
21 interruption is negative, it's not?

22 A. That's up to the sheriff to decide if
23 something's beyond what it should be.

24 Q. Okay.

25 A. Not up to the commissioners to decide

1 then.

2 Q. So wouldn't you agree that -- so you're
3 saying it's up to the sheriff to decide whether or not
4 someone is disrupting the meeting, not the presiding
5 officer?

6 A. That's up to the sheriff. If he's going
7 to arrest someone, it's up to him to arrest someone.

8 Q. Sheriff doesn't even have to be there, does
9 he?

10 A. We had sheriff's officers there for a long
11 time because we did have some problems at the meetings.

12 Q. Okay. But the simple reality is is that
13 Robert's Rules of Order says the presiding officer's the
14 one to decide when someone's being disruptive, correct?

15 A. I'm just telling you, whatever the sheriff
16 did, he did.

17 Q. Okay.

18 A. That was up to him to --

19 Q. I'm not talking about that. I am talking
20 about generally speaking, sheriffs don't even have to be
21 at a meeting, do they?

22 A. Not necessarily. We didn't always have
23 them at meetings.

24 Q. Okay. So how can it be a sheriff's
25 responsibility to decide what's disruptive when they don't

1 even need to be there?

2 A. The sheriff had to make a decision -- that
3 wasn't up to me.

4 Q. I'm not talking about the arrest at this
5 point in time. What I am asking you is, it's not the
6 sheriff's job to run the meeting, correct?

7 A. No, it's not his job.

8 Q. He doesn't even have to be at the meeting,
9 correct?

10 A. No, he doesn't have to be at the meeting.
11 The sheriff wasn't at the meeting. His officers were at
12 the meeting.

13 Q. Okay. I'm talking about any meeting.
14 Deputies don't have to be at a meeting, correct?

15 A. They don't have to be, no.

16 Q. Deputies don't have to decide what is
17 disruptive and what is not at every meeting?

18 A. You go to other communities, you're going
19 to get same thing. Sometimes you have officers there if
20 there's a lot of problems going on.

21 Q. Okay.

22 A. Okay.

23 Q. If I were to represent to you that I've seen
24 plenty of meetings without sheriffs or deputies present,
25 would you have any reason to disagree with that?

1 MR. YOSOWITZ: Objection.

2 A. We didn't always have sheriff officers at
3 our meetings.

4 Q. Okay. So --

5 A. They don't have to be there, no.

6 Q. Okay.

7 A. I didn't tell him he had to be there.

8 Q. So why were they there on July 7th, 2022?

9 A. Did you ask the sheriff?

10 Q. Not yet. I'm asking you.

11 A. I don't know why they were there.

12 Q. Okay. So did the sheriff know that you were
13 going to read his letter on --

14 A. I asked the sheriff --

15 Q. Let me finish the question, please. Did the
16 sheriff know whether or not you were going to read the
17 letter on July 7th, 2022?

18 A. And I'm going to answer that. And I told
19 you this earlier. I said I got this letter. Oftentimes
20 in the 16 years we would get this type of letter, and I
21 asked the sheriff, do you want me to read this or have
22 this read; and he said, basically, he didn't mind. So I
23 did it. I did exactly what we did for 16 years.

24 Q. Okay. So the sheriff knew you were going to
25 read the letter on July 7th, 2022?

1 A. I think he knew I was going to read the
2 letter.

3 Q. And you knew you were going to read the
4 letter on July 7th, 2022, before the meeting?

5 A. Yes, I did. I brought the letter to the
6 meeting. How would I bring it there if I didn't know I
7 was going to do it?

8 Q. And it wasn't on the agenda at the beginning
9 of the meeting on July 7th, 2022, was it?

10 A. Many things are not on the agenda.
11 Ms. Frenchko asked us to read things before the meeting
12 if they were important to read.

13 Q. So it was not on the agenda at the beginning
14 of the meeting on July 7th, 2022?

15 A. This is something that was -- a procedure
16 that was followed many times. It just didn't happen
17 that day.

18 Q. So that's a no, it was not on the agenda in
19 the beginning of the meeting?

20 A. No, it wasn't on the agenda. This isn't a
21 part -- this wasn't an agenda item, but we have these
22 type of things that we do do before the meeting, and
23 that was requested by Ms. Frenchko for us to do that
24 kind of stuff.

25 Q. Okay. It was requested by Ms. Frenchko to

1 read that letter?

2 A. Not this letter. She requested that we do
3 things before the meeting sometimes, because some people
4 couldn't --

5 Q. But that didn't occur. It wasn't read
6 before the meeting?

7 A. What's that?

8 Q. It wasn't read before the meeting; it was
9 read during the meeting, correct?

10 A. This was read -- I don't remember exactly
11 when it was read, to be honest with you.

12 Q. Okay. It was read somewhere during the
13 course of the meeting, correct?

14 A. It was read, right.

15 Q. Yeah. At approximately about 40 minutes
16 into the meeting, correct?

17 A. I don't recall, to be honest with you.

18 Q. Okay. And it wasn't on the agenda at that
19 point in time, correct?

20 A. This letter was not part of the agenda.

21 Q. Okay. Did you call a motion to add it to
22 the agenda at that time?

23 A. No, we did not add anything to the agenda.
24 We just read information that's given to us that we feel
25 is important for the public.

1 Q. Okay. So when it was being read,
2 Commissioner Frenchko objected to it being read at that
3 time, didn't she?

4 A. I don't remember her objecting. If she
5 objected -- Ms. Frenchko said a lot. She said a lot,
6 you know. I didn't know what she was saying.

7 Q. So you don't know what she was saying?

8 A. I don't know what she said, to be honest
9 with you. Let me remind you, my wife -- a few minutes
10 into the meeting I got a phone call that they were
11 rushing her to the hospital. I was at that hospital
12 until 3:00 in the morning. She had two operations that
13 night. My concern was my wife.

14 Q. Okay. But you were still presiding over the
15 meeting at the time -- and I feel bad that happened to
16 your wife, but you were still presiding over the meeting
17 at the time, correct?

18 A. I stayed for the meeting because it was
19 going to take a little while to get her to Trumbull
20 Memorial Hospital, which is five minutes away from the
21 meeting.

22 Q. If you felt it was an emergency, you could
23 have relinquished your Chair and left the meeting,
24 correct?

25 A. Then nothing would have gotten done.

1 Q. Well, there would still have been a quorum
2 there, wouldn't there have?

3 A. Did you follow the meetings over the year?

4 Q. Well, what I understand --

5 A. Anyhow.

6 Q. -- according to Robert's Rules --

7 A. Will you listen again?

8 Q. Sure.

9 A. Whatever you want to say, go ahead.

10 Q. Okay. I'll ask a question. I don't really
11 want to say anything. But a quorum for commissioners is
12 two out of three, correct?

13 A. Correct.

14 Q. So theoretically speaking, one commissioner
15 could not be there and a meeting can still continue,
16 correct?

17 A. That's happened in the past.

18 Q. Okay. So you had two options when your wife
19 called. You could have stayed there and you could have
20 presided over the meeting or you could have left, correct?

21 A. And I was going to sit at the hospital by
22 myself to wait for the doctor to come down?

23 Q. Correct. So you continued to preside over
24 the meeting?

25 A. To try to finish the meeting, correct.

1 Q. Okay.

2 A. That's my job as a commissioner to do what
3 I can for the citizens of Trumbull County.

4 Q. And when you chose to continue to preside
5 over the meeting, you still had the responsibility to
6 properly reside over the meeting, correct?

7 A. I did.

8 Q. Okay. And that was the path you chose,
9 correct?

10 A. Correct.

11 Q. Okay. So when the letter was being read by
12 Ms. Klotz, you don't recall whether or not Commissioner
13 Frenchko objected to that being read at that time because
14 it wasn't on the agenda?

15 A. All I know is she got up -- and let me say
16 again, the -- these types of things that need to be read
17 have been done in the past many, many times. I'm
18 following what we did in the past. That's all I did.

19 Q. Okay.

20 A. I don't remember her objecting. She
21 started objecting when the clerk started reading it.
22 What she was -- I have no idea.

23 Q. Okay. So when a commissioner makes an
24 objection to something that's occurring at a meeting,
25 isn't it your job, as the presiding officer, to ascertain

1 why she is objecting?

2 A. I don't remember her objecting. I
3 remember her getting out of her seat and going up in
4 front of Ms. Klotz and --

5 Q. Well, because she was videotaping Ms. Klotz,
6 right?

7 A. She videotaped everything.

8 Q. Do you recall holding up a piece of paper at
9 the time so she couldn't -- she couldn't view Ms. Klotz
10 from her seat?

11 A. I used to have to put a piece of paper in
12 front of her many times.

13 Q. Right. So you were obstructing her video
14 camera then, correct?

15 A. Her what?

16 Q. Her cell phone. You were obstructing her
17 vision, then, correct?

18 A. I just had a piece of paper there.

19 Q. Okay. So that's obstructing her video then,
20 correct?

21 A. I have no idea. I don't remember exactly
22 what I did at that time. My main concern, I wanted to
23 get that meeting over, and I tried to be there for the
24 whole meeting so that we could.

25 Q. So your main concern was getting the meeting

1 over?

2 A. Getting the meeting completed so that we
3 get business taken care of.

4 Q. Okay. So in other words, you -- so you do
5 recall holding up a piece of paper?

6 A. I don't recall whether I held up a
7 piece -- I know what that paper -- I'm just not even
8 going to get into that.

9 Q. Okay. What was on that paper?

10 A. I don't remember. I remember it's none --
11 it has nothing to do with any of this, though.

12 Q. Right, because occasionally you used to take
13 photographs of the women's trash bin, correct?

14 A. No.

15 Q. So you're going to tell me under oath right
16 now you didn't occasionally hold up pictures of tampons
17 and things like that to Ms. Frenchko?

18 MS. SUDHOFF: Objection.

19 A. Correct. I'm not -- I have nothing to do
20 with that. That was a problem that Ms. Frenchko had.
21 She complained about the bathrooms being filthy, and I
22 talked to the -- I talked to the custodian department,
23 and that's the only filth they found in the bathroom.

24 Q. So you took photographs of the women's
25 trash --

1 A. I did not take any photographs.

2 Q. So you're going to deny under oath right now
3 that you never held up pictures of the women's trash?

4 MS. SUDHOFF: Objection.

5 A. I said I did not take any photographs.
6 Let's move on.

7 Q. So you're refusing to answer the question?

8 A. I'm just telling you, I didn't take any
9 photographs.

10 Q. Did you ever hold up photographs of the
11 women's trash can?

12 A. I probably did.

13 Q. Okay. And that included tampons and used
14 tampons, correct?

15 A. Let's move on.

16 MR. BETRAS: No.

17 MS. SUDHOFF: You have to answer his
18 question.

19 A. Did I hold them up?

20 Q. Yes.

21 A. Yes, because the cleaning people said that
22 bathroom was always clean except for -- she complained
23 that the bathroom was filthy, and the cleaning people
24 said the only time it was filthy is when she left that
25 stuff there, two occasions, and they had to actually get

1 full uniform to clean that. This came from the cleaning
2 people. See, Frenchko did a lot of things and she would
3 blame someone else for doing them, and that's
4 Ms. Frenchko.

5 Q. Mr. Fuda, I'm going to ask very simple
6 questions. You are a male, correct? You're a man?

7 A. Yes, I am.

8 Q. And Commissioner Frenchko is a woman?

9 A. I'm assuming, yes.

10 Q. And you were holding up pictures of the
11 women's trash can that contained tampons?

12 A. No. That was given to me by the cleaning
13 people.

14 Q. And you were holding up pictures during
15 meetings to Ms. Frenchko?

16 A. I did.

17 Q. Do you think that that's not disruptive as a
18 Chair?

19 A. No.

20 Q. So your testimony today under oath that as a
21 Chair of a board meeting to hold up pictures to a female
22 board member showing used tampons during a meeting is not
23 disruptive?

24 A. That was part of her bullying to the
25 cleaning people, as far as I'm concerned.

1 Q. You holding up a picture of used tampons
2 during a meeting is part of Commissioner Frenchko's
3 bullying?

4 A. That was her way of bullying some of those
5 cleaning people. I'm sorry.

6 Q. Okay. Did she tell you to hold up pictures
7 of used tampons during the meeting?

8 A. I talked to Ms. Frenchko two times at the
9 beginning of her term. After that when she said that
10 Mr. Fuda's too old and she and Mauro were going to run
11 the county and Mr. Fuda still went to work every day and
12 ran the county.

13 Q. Okay. So Ms. Frenchko didn't tell you to
14 hold up pictures of used tampons during the meeting?

15 MS. SUDHOFF: Objection.

16 MR. BETRAS: He's not answered.

17 A. Ms. Frenchko never talked to me.

18 Q. Okay. You decided to do that, correct?

19 A. That's correct.

20 Q. And you're the chair of the meeting,
21 correct?

22 A. Correct.

23 Q. And it's your job to maintain order,
24 correct?

25 A. And order was maintained.

1 Q. And it's your job to not cause disruptions,
2 correct?

3 A. That wasn't a disruption to the meeting.

4 Q. So it's your opinion as a Chair that it's
5 not disruptive to hold up pictures of used tampons to a
6 female board member during a meeting?

7 A. I was just following the cleaning
8 person's --

9 Q. So the cleaning people asked you to do that?

10 A. The cleaning people said that there were
11 no problems with the bathroom that belonged to the men
12 and the women. The men didn't use it, Ms. Frenchko used
13 it, but she complained that the men were destroying the
14 bathroom, and I never dirtied that bathroom.

15 Q. So did the cleaning people instruct you to
16 hold up those pictures?

17 A. Nobody instructed me to do anything.

18 Q. That was your decision?

19 A. That was my decision, correct.

20 Q. You don't find that disruptive?

21 A. No.

22 Q. Okay. Are you okay, Mr. Fuda? Would you
23 like a break?

24 A. No. I'm fine.

25 Q. Okay. I just heard a deep breath. Are you

1 all right?

2 A. I'm fine.

3 Q. Okay. So I want to go back. I know we've
4 had some detours along the way, so let's go back to
5 when -- what we talked about was Ms. Frenchko came out and
6 was videotaping Ms. Klotz while she was speaking, correct?

7 A. Correct.

8 Q. At the time did you have any rules that
9 dictated where a person could or could not stand while
10 videotaping at that time?

11 A. It was uncommon for a commissioner to
12 bring a camera around and videotape. It's a form of
13 bullying. I know. I was a teacher for years. That was
14 a form of bullying, and she admitted her first year --
15 her first day on the job that she was going to bully
16 people.

17 Q. Okay. But there were no rules at the time,
18 correct?

19 A. I have no idea if that was a rule that was
20 broken.

21 Q. Okay. I'll take it. Okay. So after
22 Ms. Klotz was done speaking, Ms. Frenchko then sat down,
23 correct?

24 A. I don't recall exactly what she did after
25 that --

1 Q. Okay.

2 A. -- to be honest. She probably did -- she
3 did come and sit down, I think, yes.

4 Q. Okay. And she sat down next to you; would
5 that be correct?

6 A. She always sits next to me. She's the
7 middle seat.

8 Q. Okay. Take that as a yes. So and at that
9 point in time she started to respond to the sheriff's
10 letter, correct?

11 A. I don't recall what she did at that time.

12 Q. Okay. You don't recall whether or not she
13 started to dispute the allegations in the sheriff's
14 letter?

15 A. That was common per her to dispute
16 anything, so she might have disputed the sheriff's
17 letter just like she disputed anything that was done in
18 two years.

19 Q. Right. Well, you disputed that gentleman
20 earlier in that recording, correct?

21 A. I didn't dispute him. I explained to him.
22 I answered his questions. He said, Mineral Ridge -- in
23 Mineral Ridge --

24 Q. Yeah.

25 A. -- that was -- we had a meeting. I said,

1 yes, that's true. Everything he said I responded -- I
2 answered what he said is all I did. Had nothing -- it
3 was not even similar to this situation.

4 Q. How was it dissimilar?

5 A. I was just answering his questions or his
6 responses. I knew what I did. I answered the phone in
7 his case all four times, and I called the highway
8 department as I did for 16 years.

9 Q. So when Ms. Frenchko -- so this letter,
10 you've read it, right?

11 A. Yes.

12 Q. So at the end it says this reckless behavior
13 of Commissioner Frenchko should not be tolerated by
14 Trumbull County citizens nor other elected officials as it
15 puts taxpayer dollars and efficient necessary department
16 operations at risk.

17 MS. SUDHOFF: Can we pause for a second?

18 MR. MILLER-NOVAK: Yes.

19 MS. SUDHOFF: I believe Mauro marked on
20 the exhibit. I don't know if you want a clean exhibit.

21 MR. BETRAS: I have a clean one.

22 Q. So I am on the last sentence of the second
23 to last paragraph on the second page.

24 MR. MILLER-NOVAK: You can help him as
25 much as you need to, Helen.

1 A. Fingers don't work anymore. Reckless
2 behavior of Commissioner Frenchko should not be
3 tolerated by Trumbull County citizens or other elected
4 officials as it puts taxpayers' dollars and efficient --
5 necessary department of operations at risk.

6 Q. I won't repeat it. Do you want to read --
7 you're doing such a great job, Frank, read the last
8 paragraph, too.

9 MS. SUDHOFF: Could you read that out
10 loud?

11 A. Yes. I am requesting a public apology
12 from Commissioner Frenchko.

13 Q. All right.

14 A. As a first step to regaining public trust.
15 I expect the apology to be delivered in the same public
16 forum as was the publication of the false accusation.

17 Q. Okay. So you would agree that this letter
18 is levying a criticism against Ms. Frenchko, correct?

19 A. Evidently he was, yes.

20 Q. And he was also expecting an apology to be
21 made in a public forum, correct?

22 A. And that's what we had, a public forum.

23 Q. And that public forum was that meeting,
24 correct?

25 A. Correct.

1 Q. Okay. So Ms. Frenchko sat down. She wanted
2 to respond to that, correct?

3 A. I don't remember whether she responded or
4 not, to be honest with you.

5 Q. Okay.

6 A. That was a long time ago.

7 Q. Yeah. Well, do you agree that she should
8 have had an opportunity to respond to this letter?

9 A. I don't know exactly what the situation
10 was. Like I said, I had a wife that was being rushed to
11 the hospital, and I -- the clerk finished reading this.
12 I don't exactly remember the response that she had. I
13 just know that the sheriff's officers came up and
14 removed her. That's all.

15 Q. Okay. Well, you caused this record to be
16 read into the record, right?

17 A. Did I cause it?

18 Q. Yes.

19 A. I asked the sheriff if he wanted to --
20 wanted me to read it. He had no problem with it, so I
21 did what I did for 16 years.

22 Q. Okay.

23 A. If something had to be read at a meeting,
24 I read it.

25 Q. So you gave it to the clerk, and you had it

1 read?

2 A. Right.

3 Q. Okay. And she read it, correct?

4 A. Correct. Well, she tried to read it. It
5 wasn't read completely. I don't know if she -- she was
6 interrupted often.

7 Q. Okay. And after she was finished reading
8 the letter, Ms. Frenchko sat down, correct?

9 A. I believe that's what happened.

10 Q. Okay. And Ms. Frenchko -- do you believe at
11 that time that Ms. Frenchko should have an opportunity to
12 respond to this?

13 A. I wouldn't have stopped her from
14 responding to this.

15 Q. But you did, didn't you?

16 A. No, I didn't.

17 Q. So when she was in the middle of speaking or
18 responding to this, you're telling me now you did not tell
19 her to stop?

20 A. I don't recall exactly what happened, to
21 be honest with you.

22 Q. So when she was responding to this, you hit
23 your gavel and say we're moving on, correct?

24 A. I don't recall that, to be honest with
25 you.

1 Q. And then you told her she was being
2 disruptive, correct?

3 A. Well, she was disruptive the entire time
4 when the clerk was trying to read that letter.

5 Q. Okay. But the clerk was done at that point.
6 She had sat down and she was trying to respond to this
7 letter, correct?

8 A. I don't recall any of that, to be honest
9 with you.

10 Q. Okay. You just don't remember?

11 A. No, I don't.

12 Q. So you don't remember whether or not Mauro
13 said you're being disruptive, you're talking about the top
14 law enforcement official in the county?

15 A. That, I don't remember, to be honest with
16 you.

17 Q. Do you think that Ms. Frenchko has the right
18 to criticize the sheriff?

19 A. If that's her -- if that's what she feels
20 she should do, that's up to her. It's not up to me to
21 say whether it's right or wrong. She criticized me many
22 times.

23 Q. So when she was criticizing the sheriff and
24 Mauro said that it's disruptive because she's talking
25 about the top law enforcement official in the county, you

1 disagree with that statement?

2 A. I don't recall any of that. Like I said,
3 my mind was on my wife. I finished everything and I
4 moved on. What I did at that time -- what I did at that
5 time, I did. I just wanted to get the meeting over
6 with.

7 Q. You don't recall saying, are you going to
8 apologize, to her?

9 A. That, I don't remember.

10 Q. You don't recall saying either apologize or
11 we're moving on?

12 A. I don't remember that either.

13 Q. Do you remember calling out Wix's name?

14 A. Calling out --

15 Q. Wix.

16 A. No.

17 Q. You don't remember saying the word Wix
18 loudly during that meeting?

19 A. I don't remember any of that, to be honest
20 with you. I had a wife who never complains about being
21 sick, who won't go to the doctor, and she was on her way
22 to the hospital. And that was my concern at that time.

23 Q. But you were still the presiding officer at
24 the time?

25 A. I understand that. What would you do if

1 that was your wife and you were the presiding officer?

2 Q. I would have left. So why don't we move on.

3 A. I'm ready.

4 Q. Okay.

5 MR. MILLER-NOVAK: I do want to take a
6 break real quick.

7 (Off the record.)

8 MR. MILLER-NOVAK: Go on.

9 Q. I'm going to fast forward the timeline a
10 little bit to after when -- after the moment where
11 Commissioner Frenchko is arrested, okay?

12 A. Okay.

13 Q. So I'm going to hand you what is marked
14 as -- she's going to hand you what's marked as Exhibit 5.
15 I'm going to have you go to the second page.

16 A. Okay.

17 Q. Put on some reading glasses?

18 A. Yeah, so I can see this thing.

19 Q. So have you go to the second page.

20 A. Okay. My fingers don't work well. I
21 played too much baseball and basketball, and those big
22 guys gave me arthritis in all of them.

23 Q. That's okay. I have trouble getting between
24 pages sometimes too for more sedentary reasons. You're on
25 the second page there. Have you ever seen this before?

1 A. Let's see. I don't remember all of this.

2 Q. So you don't remember getting a letter from
3 a prosecuting attorney about preserving evidence?

4 A. I might have got something on this, but I
5 don't recall. I don't remember really.

6 Q. You don't remember the exact letter, but you
7 recall getting some kind of communication about preserving
8 evidence?

9 A. I gave the prosecutors, I gave the clerk
10 everything that I had.

11 Q. Okay. So someone -- the prosecutor asked
12 you to give them evidence?

13 A. Right. And I gave them everything I had.

14 Q. Okay. So you do recall being contacted by
15 the prosecutor?

16 A. Correct.

17 Q. And you recall it being about evidence?

18 A. They just wanted public records. Is that
19 what you're talking about, public records request?

20 Q. Do you recall them asking about text
21 messages?

22 A. Yes. And I told them they could have this
23 phone anytime they want and keep it as long as they can.

24 Q. Okay. So you do remember conversations
25 between the prosecutor --

1 A. Yes. I don't text. I told you -- three
2 of my phone calls this morning while I was sitting in
3 the office, I dialed the wrong phone number. These
4 fingers don't work.

5 Q. I understand that.

6 A. So texting -- I texted years ago, but once
7 the fingers went bad, I stopped texts completely.

8 Q. Okay. So when you were told to provide your
9 phone, do you remember whether or not Mauro Cantalamessa
10 was there?

11 A. That, I don't remember.

12 Q. Okay.

13 A. I just know that they asked. I said you
14 can have my phone anytime you want, really.

15 Q. Okay. You can give that back to her if you
16 want.

17 A. Okay. It's all yours.

18 Q. Lighten your load a little bit.

19 A. Load used to be that high every day.
20 That's minor.

21 MR. MILLER-NOVAK: All right. What do you
22 want me to be? Done?

23 MS. SUDHOFF: Up to you.

24 MR. MILLER-NOVAK: I'm done.

25 MS. SUDHOFF: Okay.

1 MR. YOSOWITZ: I have no questions.

2 MS. SUDHOFF: I have no questions.

3 THE WITNESS: I have a lot of questions.

4 MR. YOSOWITZ: No.

5 MS. SUDHOFF: No.

6 MR. BETRAS: He's not even your lawyer.

7 THE WITNESS: I'm just kidding.

8 MR. MILLER-NOVAK: Frank, thanks for
9 coming today.

10 MS. SUDHOFF: He'll review and we'll sign.

11 SIGNATURE NOT WAIVED

12 (Deposition concluded at 11:48 a.m.)

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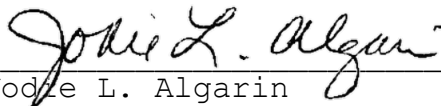
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REPORTER'S CERTIFICATE

I certify that this transcript, consisting of 103 pages, is a complete, true and correct transcript of the proceedings had and the testimony taken in this case as shown by my stenotype notes taken at the time said testimony was taken.



Jodie L. Algarin
Registered Professional Reporter
Certified Realtime Reporter

1 CERTIFICATE OF NOTARY

2
3 COMPLETED BY DEPONENT:4
5 I, FRANK FUDA, have read the foregoing pages of my
6 testimony or have had them read to me and have noted any
7 changes in form or substance of my testimony with their
8 respective corrections and the reasons on the following
9 errata sheet(s).10 _____
11 FRANK FUDA

Date

12
13 COMPLETED BY NOTARY PUBLIC14
15 I, _____, a Notary Public in and for the
16 State of _____, hereby acknowledge that the
17 above named witness personally appeared before me, swore
18 to the truth of the foregoing statements and signed above
19 as his/her own true act and deed.20 _____
21 Notary

Date

22 _____
23 Commission Expiration
24
25

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September 23, 2023

Helen K. Sudhoff, Esquire
Fishel Downey Albrecht & Riepenhoff, LLP
7775 Walton Parkway, Suite 200
New Albany, Ohio 43054

RE: Niki Frenchko VS Paul Monroe, et al.

Dear Ms. Sudhoff

Enclosed please find your copy of the deposition of Frank Fuda taken on September 14, 2023. The original certificate and correction pages are attached. It is my understanding from our discussion that you will arrange to have Mr. Fuda read and sign your copy of the transcript.

After the transcript has been signed, please mail the originals of Pages 102 and 103 to me at the above address. If I have not received the signed pages within 30 days of your receipt of this letter, pursuant to the Rules of Civil Procedure, signature will be waived.

Thank you for your time and consideration in this matter. If you have any questions, please don't hesitate to call me at the above number.

Sincerely,

Jodie L. Algarin

Enclosure

cc: Atty. Matt Miller-Novak
Atty. David Betras
Atty. Andrew Yosowitz

<p>MR. BETRAS: [11] 9/13 9/15 10/25 34/5 64/17 64/25 72/22 85/16 87/16 91/21 100/6</p> <p>MR. MILLER-NOVAK: [14] 34/1 34/8 45/25 64/18 66/13 66/15 71/11 91/18 91/24 97/5 97/8 99/21 99/24 100/8</p> <p>MR. YOSOWITZ: [4] 57/9 77/1 100/1 100/4</p> <p>MS. SUDHOFF: [22] 29/13 33/23 34/7 55/12 55/17 58/1 66/12 66/14 71/13 71/17 84/18 85/4 85/17 87/15 91/17 91/19 92/9 99/23 99/25 100/2 100/5 100/10</p> <p>THE WITNESS: [3] 9/14 100/3 100/7</p> <p>\$</p> <p>\$7 [2] 15/12 15/15</p> <p>\$7 million [2] 15/12 15/15</p> <p>\$83 [1] 16/7</p> <p>\$83 million [1] 16/7</p> <p>0</p> <p>00781 [1] 1/9</p> <p>1</p> <p>100 [1] 67/15</p> <p>102 [1] 104/13</p> <p>103 [2] 101/5 104/13</p> <p>11:48 [1] 100/12</p> <p>1216 [1] 2/24</p> <p>12th [1] 32/9</p> <p>1350 [1] 2/11</p> <p>14 [5] 1/17 3/6 58/3 103/4 104/10</p> <p>16 [14] 10/3 29/24 42/12 54/18 54/19 61/13 62/19 69/18 70/18 73/11 77/20 77/23 91/8 93/21</p> <p>17 [1] 57/21</p> <p>18 [6] 24/20 25/9 26/10 26/18 27/4 27/7</p> <p>1867 [1] 18/15</p> <p>18th [1] 46/3</p> <p>1990 [2] 9/8 9/18</p> <p>1st [1] 9/8</p> <p>2</p> <p>200 [4] 2/16 2/16 2/23 104/6</p> <p>2006 [5] 9/21 9/25 10/5 10/21 11/15</p> <p>2007 [1] 12/2</p> <p>2020 [3] 32/14 36/17 36/19</p> <p>2022 [28] 12/14 30/7 30/10 32/11 32/15 35/14 37/5 46/3 50/23 54/20 54/22 56/11 56/17 57/25 58/10 60/3 60/3 60/6 60/10 60/13 62/20 62/21</p>	<p>77/8 77/17 77/25 78/4 78/9 78/14</p> <p>2023 [5] 1/17 3/6 103/4 104/3 104/10</p> <p>203 [1] 104/1</p> <p>20th [1] 57/24</p> <p>221-1216 [1] 2/24</p> <p>23 [1] 104/3</p> <p>29 [1] 4/7</p> <p>3</p> <p>30 [1] 104/14</p> <p>3074 [1] 2/10</p> <p>32 [1] 9/10</p> <p>33 [1] 4/7</p> <p>330 [1] 2/7</p> <p>34 [1] 4/8</p> <p>3:00 [1] 80/12</p> <p>4</p> <p>40 [1] 79/15</p> <p>4000 [1] 2/17</p> <p>412-4000 [1] 2/17</p> <p>43054 [2] 2/24 104/6</p> <p>43235 [1] 2/16</p> <p>4329 [4] 28/25 32/20 33/24 34/11</p> <p>44406 [1] 2/6</p> <p>44512 [1] 104/2</p> <p>45209 [1] 2/10</p> <p>4:23 [1] 1/9</p> <p>5</p> <p>513 [1] 2/11</p> <p>55 [1] 4/7</p> <p>57 [1] 4/9</p> <p>58 [1] 4/7</p> <p>5th [1] 60/6</p> <p>6</p> <p>60 [1] 4/13</p> <p>614 [2] 2/17 2/24</p> <p>6630 [2] 2/6 3/7</p> <p>7</p> <p>721-1350 [1] 2/11</p> <p>746-8484 [1] 2/7</p> <p>77 [1] 4/9</p> <p>7775 [2] 2/23 104/6</p> <p>7th [10] 50/23 60/3 60/10 60/13 77/8 77/17 77/25 78/4 78/9 78/14</p> <p>8</p> <p>837 [1] 104/1</p> <p>84 [1] 4/7</p> <p>8484 [1] 2/7</p> <p>85 [1] 4/7</p> <p>87 [1] 4/7</p> <p>9</p> <p>97 [1] 4/14</p> <p>9:07 [1] 3/6</p> <p>A</p> <p>a.m [2] 3/6 100/12</p> <p>ability [8] 7/24 26/25 30/19 30/22 30/24 52/24</p>	<p>53/5 53/19</p> <p>able [7] 16/2 17/22 21/2 21/3 42/4 42/14 50/7</p> <p>abnormal [1] 42/12</p> <p>about [64] 6/4 7/6 7/22 8/7 8/14 9/3 9/4 9/6 9/10 11/9 15/14 16/6 22/24 23/5 23/20 26/21 27/10 28/19 29/1 34/22 36/2 36/25 40/16 40/23 40/23 40/24 40/25 42/8 42/9 44/19 47/6 48/12 49/4 49/9 49/10 49/11 50/2 50/14 50/22 51/21 57/10 62/5 62/20 63/9 65/20 66/7 67/13 72/12 73/18 75/19 75/20 76/4 76/13 79/15 84/21 89/5 95/13 95/25 96/20 98/3 98/7 98/17 98/19 98/20</p> <p>above [5] 1/15 102/16 102/16 104/13 104/17</p> <p>above-entitled [1] 1/15</p> <p>accomplishing [1] 40/24</p> <p>according [4] 11/18 29/9 59/22 81/6</p> <p>accusation [1] 92/16</p> <p>accusations [4] 45/1 45/4 45/6 45/9</p> <p>accused [1] 65/19</p> <p>accusing [2] 70/15 70/16</p> <p>acknowledge [1] 102/15</p> <p>across [1] 14/18</p> <p>act [1] 102/17</p> <p>action [1] 1/19</p> <p>active [2] 42/25 43/3</p> <p>actually [17] 13/20 14/15 24/16 27/20 28/18 35/15 38/23 55/25 56/3 56/8 60/4 62/13 64/3 65/2 68/16 73/5 85/25</p> <p>ad [1] 64/13</p> <p>add [2] 79/21 79/23</p> <p>address [1] 104/13</p> <p>adjourn [2] 21/24 22/2</p> <p>admit [2] 47/9 67/18</p> <p>admitted [1] 89/14</p> <p>adopted [1] 17/6</p> <p>adult [1] 6/24</p> <p>aforesaid [1] 1/19</p> <p>afraid [1] 8/22</p> <p>after [17] 11/3 13/22 20/7 21/10 21/20 37/24 44/16 51/15 52/11 54/19 87/9 89/21 89/24 94/7 97/10 97/10 104/13</p> <p>again [11] 17/13 25/15 53/8 55/18 59/20 67/22 69/4 69/22 71/6 81/7 82/16</p> <p>against [7] 11/3 32/20 45/1 45/4 45/6 45/9 92/18</p> <p>agenda [39] 19/14 19/15 19/17 19/21 19/22 20/9 20/12 22/5 22/10 22/11 22/15 22/24 24/25 25/3 25/6 25/7 25/10 25/13 25/19 26/11 26/22 40/12</p>	<p>40/15 46/7 50/12 50/13 50/17 55/3 78/8 78/10 78/13 78/18 78/20 78/21 79/18 79/20 79/22 79/23 82/14</p> <p>agenda's [2] 24/11 25/24</p> <p>ago [12] 31/10 31/23 42/17 45/16 45/16 45/19 45/22 49/7 49/8 57/21 93/6 99/6</p> <p>agree [26] 17/5 21/24 22/8 22/8 22/12 22/18 25/15 25/19 28/13 28/18 29/3 30/9 30/17 31/13 36/20 38/22 40/3 52/22 52/23 53/1 60/9 73/6 73/21 75/2 92/17 93/7</p> <p>agreed [2] 3/4 3/9</p> <p>agreement [2] 1/16 1/18</p> <p>ahead [6] 13/18 36/10 37/22 57/9 68/4 81/9</p> <p>aids [1] 71/21</p> <p>al [2] 1/11 104/8</p> <p>Albany [2] 2/24 104/6</p> <p>Albrecht [2] 2/23 104/5</p> <p>Algarin [4] 1/16 3/11 101/12 104/20</p> <p>all [54] 5/13 6/8 6/22 7/12 8/1 8/3 14/5 15/8 16/20 22/1 24/10 32/2 33/6 35/2 35/3 36/2 38/6 40/9 40/16 40/21 41/11 41/23 42/24 43/25 45/14 45/18 49/1 51/23 58/2 58/3 62/8 64/19 66/14 70/17 72/11 73/2 73/3 73/4 73/4 73/9 73/18 73/24 74/18 82/15 82/18 89/1 91/2 91/7 92/13 93/14 97/22 98/1 99/17 99/21</p> <p>allegations [1] 90/13</p> <p>allowed [2] 26/12 63/19</p> <p>allowing [1] 62/10</p> <p>almost [1] 42/20</p> <p>along [2] 21/4 89/4</p> <p>already [2] 33/24 60/12</p> <p>always [11] 7/1 7/20 13/2 19/6 19/8 19/22 22/11 75/22 77/2 85/22 90/6</p> <p>am [7] 23/4 47/6 75/19 76/5 86/7 91/22 92/11</p> <p>amend [3] 22/15 22/21 22/23</p> <p>amendments [1] 22/5</p> <p>amount [1] 58/5</p> <p>Andrew [2] 2/15 104/23</p> <p>another [2] 58/9 64/13</p> <p>answer [19] 6/19 23/20 29/13 29/20 38/6 47/8 55/12 55/13 56/16 58/9 66/4 69/4 70/22 71/12 73/8 74/13 77/18 85/7 85/17</p> <p>answered [8] 67/23 70/10 70/24 74/18 87/16 90/22 91/2 91/6</p> <p>answering [2] 73/23 91/5</p>	<p>answers [2] 6/12 6/21</p> <p>anticipate [1] 6/19</p> <p>anybody [6] 31/1 45/5 48/23 48/24 52/8 52/10</p> <p>Anyhow [1] 81/5</p> <p>anymore [3] 26/4 27/24 92/1</p> <p>anyone [1] 31/9</p> <p>anything [14] 17/20 37/3 38/8 45/10 52/17 58/18 62/11 64/20 70/16 79/23 81/11 88/17 90/16 90/17</p> <p>anytime [3] 74/8 98/23 99/14</p> <p>apologize [2] 96/8 96/10</p> <p>apology [3] 92/11 92/15 92/20</p> <p>APPEARANCES [1] 1/24</p> <p>appeared [1] 102/16</p> <p>appears [1] 38/22</p> <p>applied [2] 17/11 17/15</p> <p>applying [1] 16/16</p> <p>appreciate [2] 32/19 42/7</p> <p>approach [1] 34/19</p> <p>appropriately [1] 53/25</p> <p>approve [4] 13/8 19/21 20/9 20/12</p> <p>approved [1] 19/22</p> <p>approximately [1] 79/15</p> <p>aren't [1] 30/4</p> <p>argued [1] 42/23</p> <p>arguing [4] 40/23 43/9 43/10 43/11</p> <p>argument [1] 74/17</p> <p>arguments [2] 43/1 43/4</p> <p>around [3] 18/17 62/9 89/12</p> <p>arrange [1] 104/11</p> <p>arrest [3] 75/7 75/7 76/4</p> <p>arrested [15] 51/1 51/9 51/11 51/14 51/14 51/17 51/20 52/5 52/8 52/10 52/11 74/4 74/6 74/9 97/11</p> <p>arresting [1] 52/15</p> <p>arthritis [1] 97/22</p> <p>as [78] 5/3 5/6 6/5 6/22 8/7 9/11 9/16 9/17 9/17 10/20 11/24 13/2 14/2 15/13 15/13 16/15 17/6 22/13 27/8 28/6 28/8 30/6 30/21 30/22 30/23 32/5 32/10 33/1 33/2 33/18 34/15 34/16 35/5 35/12 36/5 36/6 37/4 37/4 37/19 38/9 38/9 38/18 45/12 49/21 49/21 53/12 53/17 53/19 53/24 56/7 56/19 59/14 59/14 61/9 64/7 72/5 72/5 82/2 82/25 86/17 86/20 86/25 86/25 88/4 90/8 91/8 91/14 91/24 91/25 92/4 92/14 92/16 97/14 97/14 98/23 98/23 101/7 102/17</p> <p>ascertain [1] 82/25</p> <p>ask [30] 7/19 7/21 8/22</p>
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A ask... [27] 8/23 9/4 18/1 23/19 24/23 31/12 47/7 54/2 54/5 54/9 54/10 54/21 55/7 55/10 56/24 57/8 57/17 58/8 58/9 58/10 59/20 66/20 67/22 68/6 77/9 81/10 86/5 asked [16] 32/3 46/23 47/8 54/11 66/23 67/8 67/20 68/12 70/23 77/14 77/21 78/11 88/9 93/19 98/11 99/13 asking [22] 23/13 26/17 39/9 42/7 42/9 44/20 47/6 49/3 49/10 49/12 50/2 50/10 51/8 53/7 53/9 66/5 67/9 67/16 68/5 76/5 77/10 98/20 aspect [1] 42/9 assembly [1] 33/3 assisted [1] 3/13 assuming [4] 6/1 11/7 23/4 86/9 attached [1] 104/11 attention [2] 25/8 33/19 attorney [1] 98/3 Atty [4] 3/7 104/22 104/22 104/23 auditor [4] 13/20 15/9 47/24 61/2 auditor's [1] 13/14 authority [3] 52/17 52/21 53/10 available [1] 3/15 awards [1] 47/25 aware [8] 14/16 22/4 23/7 24/10 25/8 26/9 35/3 46/20 away [1] 80/20 awful [2] 36/25 42/15 ayosowitz [1] 2/17	44/8 47/14 47/17 47/17 50/7 57/23 59/20 69/1 71/23 72/4 74/6 74/23 75/8 75/20 75/24 76/1 76/8 76/10 76/14 76/15 77/5 77/7 79/11 79/17 80/8 81/15 82/16 83/23 90/2 90/5 91/13 92/2 92/15 92/20 93/4 93/15 93/23 94/21 94/24 95/8 95/15 96/19 99/19 99/22 104/15 beat [2] 58/22 58/25 became [2] 9/8 9/24 because [29] 6/10 6/15 6/18 16/5 19/24 31/11 31/12 41/7 41/10 44/19 49/15 50/7 61/8 62/2 64/1 66/9 66/11 66/25 68/20 69/22 71/12 75/11 79/3 80/18 82/13 83/5 84/12 85/21 95/24 been [14] 5/3 5/25 7/4 8/12 11/2 11/22 33/17 34/14 49/7 51/14 51/16 81/1 82/17 104/13 before [30] 1/16 5/25 7/16 9/2 13/19 13/19 14/15 16/8 17/8 20/23 34/10 49/16 54/3 54/6 55/7 55/11 56/25 57/8 57/16 57/17 60/9 69/12 78/4 78/11 78/22 79/3 79/6 79/8 97/25 102/16 began [1] 19/20 beginning [16] 19/18 19/21 21/2 21/3 21/6 21/8 21/17 23/22 34/12 42/19 49/25 50/6 78/8 78/13 78/19 87/9 Behalf [3] 2/4 2/14 2/20 behavior [2] 91/12 92/2 behind [1] 28/3 being [35] 6/6 6/10 9/9 10/2 10/2 24/12 24/25 25/24 26/11 46/5 52/8 52/12 57/1 61/20 64/15 65/5 65/18 66/18 68/11 69/6 69/19 69/24 71/9 75/14 80/1 80/2 82/11 82/13 84/21 93/10 95/1 95/13 96/20 98/14 98/17 beings [1] 6/18 belabor [1] 6/3 belief [1] 42/22 believed [1] 44/7 belonged [1] 88/11 below [1] 103/5 Bennie [1] 2/9 best [2] 59/18 72/20 bet [5] 39/3 39/4 39/6 55/20 55/24 Betras [4] 2/5 2/5 3/7 104/22 better [1] 61/3 between [7] 3/4 3/9 23/8 31/12 31/14 97/23 98/25 beyond [1] 74/23	big [1] 97/21 bin [1] 84/13 bit [4] 9/2 28/3 97/10 99/18 bkmlaws.com [1] 2/7 blame [1] 86/3 blood [1] 8/1 blurt [1] 6/19 board [8] 2/20 25/18 36/4 37/24 55/6 86/21 86/22 88/6 Boardman [1] 104/1 Boardman-Canfield [1] 104/1 boat [1] 32/5 bodies [1] 57/7 body [1] 33/11 book [42] 18/4 18/5 18/6 18/7 18/8 19/10 19/11 29/24 32/12 34/4 34/21 34/22 35/6 35/8 35/8 35/18 35/25 36/15 36/17 36/19 36/21 36/25 37/13 37/14 37/17 37/25 38/1 39/2 39/4 39/8 39/10 39/11 39/12 39/13 39/15 39/19 39/20 40/2 55/18 55/19 55/22 60/2 boss [1] 67/19 Boulevard [1] 2/16 bpbslaw.com [1] 2/11 break [8] 7/8 7/9 34/11 44/14 66/12 71/12 88/23 97/6 breath [1] 88/25 brief [1] 36/12 bring [3] 7/14 78/6 89/12 brings [6] 24/11 25/7 25/12 25/13 25/18 25/24 broken [1] 89/20 brought [3] 51/21 57/22 78/5 budget [5] 13/8 13/18 13/22 13/24 15/10 bully [1] 89/15 bullying [5] 86/24 87/3 87/4 89/13 89/14 business [17] 7/23 12/11 12/19 16/21 16/22 20/9 20/14 21/14 21/20 21/21 42/1 42/5 42/13 42/14 49/20 49/23 84/3	came [4] 63/3 86/1 89/5 93/13 camera [2] 83/14 89/12 Campus [1] 2/16 can [29] 6/15 7/13 15/20 22/18 22/22 22/24 26/16 36/11 39/2 40/12 41/25 43/6 45/25 49/21 64/25 65/6 65/15 69/1 75/24 81/15 82/3 85/11 86/11 91/17 91/24 97/18 98/23 99/14 99/15 can't [10] 15/25 16/23 30/23 31/10 34/6 41/15 64/20 64/24 65/4 67/3 candidate [1] 11/12 Canfield [2] 3/8 104/1 Cantalamesa [6] 2/21 10/1 40/5 54/5 60/16 99/9 care [5] 7/22 38/7 63/11 67/5 84/3 career [1] 34/3 careful [1] 6/11 case [8] 1/8 17/11 29/11 33/21 74/2 74/3 91/7 101/7 catch [1] 7/18 cause [4] 1/15 1/19 88/1 93/17 caused [1] 93/15 causing [1] 59/16 cc [1] 104/22 cell [1] 83/16 certain [4] 12/24 14/10 33/15 49/12 certificate [3] 101/2 102/1 104/11 Certified [1] 101/13 certify [1] 101/5 chair [38] 22/9 22/13 27/8 27/8 27/11 27/14 27/16 27/21 28/7 28/9 28/9 28/14 29/1 29/12 29/21 30/18 33/3 33/6 33/21 33/21 34/13 34/18 36/4 36/6 37/10 37/18 37/19 37/23 40/4 50/16 53/19 54/10 55/15 80/23 86/18 86/21 87/20 88/4 Chair's [2] 29/7 32/20 Chairing [1] 27/18 Chairman [2] 53/24 55/6 chairperson [2] 30/21 55/11 chairs [1] 44/15 Chairship [1] 29/15 change [4] 13/22 22/19 54/18 103/7 changed [3] 45/23 47/2 49/24 changes [5] 13/22 18/22 25/10 102/6 103/5 charge [3] 30/13 30/18 67/2 cheaper [1] 15/21 cheat [1] 19/9 choose [2] 11/19 12/6 chose [3] 49/16 82/4 82/8	Cincinnati [1] 2/10 circumstance [1] 47/7 citizens [5] 38/7 68/23 82/3 91/14 92/3 city [2] 18/12 57/11 Civil [2] 1/18 104/15 clarify [1] 8/23 clarity [1] 16/25 clean [4] 85/22 86/1 91/20 91/21 cleaning [10] 85/21 85/23 86/1 86/12 86/25 87/5 88/7 88/9 88/10 88/15 clear [4] 27/10 41/16 57/23 59/21 clerk [11] 62/2 62/4 62/7 62/9 62/11 82/21 93/11 93/25 95/4 95/5 98/9 client [1] 71/12 closer [1] 60/24 Co [1] 2/9 Columbus [2] 2/16 58/21 come [7] 61/24 62/17 62/21 71/17 73/16 81/22 90/3 comfortable [1] 27/15 coming [1] 100/9 comment [1] 47/17 comments [3] 49/18 49/25 50/6 commission [2] 13/24 102/21 commissioner [29] 9/17 9/24 10/4 10/20 26/6 28/8 38/3 42/8 45/12 52/22 52/25 53/5 53/10 53/17 60/16 60/16 60/17 80/2 81/14 82/2 82/12 82/23 86/8 87/2 89/11 91/13 92/2 92/12 97/11 commissioner's [7] 16/11 38/5 42/5 60/20 66/3 67/1 68/22 commissioners [26] 2/20 11/16 11/19 13/2 14/9 14/13 14/21 15/19 16/16 21/1 22/18 24/22 25/15 25/19 33/6 39/4 39/8 45/6 54/8 54/21 54/24 56/7 56/24 62/18 74/25 81/11 commissioners' [8] 12/17 12/18 12/19 13/4 14/5 16/24 17/2 17/7 committee [4] 11/1 16/15 20/22 20/23 committeeman [1] 10/25 committees [1] 58/20 common [3] 11/19 57/6 90/15 communication [1] 98/7 communities [1] 76/18 comparable [1] 16/14 complained [4] 67/13 84/21 85/22 88/13 complains [1] 96/20 complaint [1] 53/4 complete [3] 16/10 35/20 101/6
B back [8] 43/12 61/24 61/25 73/1 73/5 89/3 89/4 99/15 bad [4] 62/11 74/15 80/15 99/7 Barron [1] 2/9 baseball [1] 97/21 basically [9] 18/13 19/2 30/1 34/25 35/11 46/15 47/12 70/15 77/22 basketball [1] 97/21 bathroom [6] 84/23 85/22 85/23 88/11 88/14 88/14 bathrooms [1] 84/21 be [82] 1/17 3/5 3/10 3/12 3/15 6/11 6/16 8/16 8/22 9/21 10/19 11/12 12/9 13/23 14/16 17/11 17/15 17/22 20/22 21/2 21/3 22/5 22/17 22/24 24/16 24/21 27/10 28/2 28/20 29/21 29/21 33/10 33/15 34/15 36/2 40/22 42/4	being [35] 6/6 6/10 9/9 10/2 10/2 24/12 24/25 25/24 26/11 46/5 52/8 52/12 57/1 61/20 64/15 65/5 65/18 66/18 68/11 69/6 69/19 69/24 71/9 75/14 80/1 80/2 82/11 82/13 84/21 93/10 95/1 95/13 96/20 98/14 98/17 beings [1] 6/18 belabor [1] 6/3 belief [1] 42/22 believed [1] 44/7 belonged [1] 88/11 below [1] 103/5 Bennie [1] 2/9 best [2] 59/18 72/20 bet [5] 39/3 39/4 39/6 55/20 55/24 Betras [4] 2/5 2/5 3/7 104/22 better [1] 61/3 between [7] 3/4 3/9 23/8 31/12 31/14 97/23 98/25 beyond [1] 74/23	C call [22] 6/9 7/11 8/8 8/10 8/17 8/19 25/20 25/25 27/1 33/18 42/2 61/17 61/17 61/18 62/1 65/3 65/3 67/1 67/4 79/21 80/10 104/16 called [14] 5/3 8/12 24/19 37/25 46/11 60/22 61/11 66/2 66/9 66/10 66/24 68/25 81/19 91/7 calling [6] 43/20 43/21 43/22 44/1 96/13 96/14 calls [5] 20/11 38/6 65/4 69/17 99/2	came [4] 63/3 86/1 89/5 93/13 camera [2] 83/14 89/12 Campus [1] 2/16 can [29] 6/15 7/13 15/20 22/18 22/22 22/24 26/16 36/11 39/2 40/12 41/25 43/6 45/25 49/21 64/25 65/6 65/15 69/1 75/24 81/15 82/3 85/11 86/11 91/17 91/24 97/18 98/23 99/14 99/15 can't [10] 15/25 16/23 30/23 31/10 34/6 41/15 64/20 64/24 65/4 67/3 candidate [1] 11/12 Canfield [2] 3/8 104/1 Cantalamesa [6] 2/21 10/1 40/5 54/5 60/16 99/9 care [5] 7/22 38/7 63/11 67/5 84/3 career [1] 34/3 careful [1] 6/11 case [8] 1/8 17/11 29/11 33/21 74/2 74/3 91/7 101/7 catch [1] 7/18 cause [4] 1/15 1/19 88/1 93/17 caused [1] 93/15 causing [1] 59/16 cc [1] 104/22 cell [1] 83/16 certain [4] 12/24 14/10 33/15 49/12 certificate [3] 101/2 102/1 104/11 Certified [1] 101/13 certify [1] 101/5 chair [38] 22/9 22/13 27/8 27/8 27/11 27/14 27/16 27/21 28/7 28/9 28/9 28/14 29/1 29/12 29/21 30/18 33/3 33/6 33/21 33/21 34/13 34/18 36/4 36/6 37/10 37/18 37/19 37/23 40/4 50/16 53/19 54/10 55/15 80/23 86/18 86/21 87/20 88/4 Chair's [2] 29/7 32/20 Chairing [1] 27/18 Chairman [2] 53/24 55/6 chairperson [2] 30/21 55/11 chairs [1] 44/15 Chairship [1] 29/15 change [4] 13/22 22/19 54/18 103/7 changed [3] 45/23 47/2 49/24 changes [5] 13/22 18/22 25/10 102/6 103/5 charge [3] 30/13 30/18 67/2 cheaper [1] 15/21 cheat [1] 19/9 choose [2] 11/19 12/6 chose [3] 49/16 82/4 82/8	Cincinnati [1] 2/10 circumstance [1] 47/7 citizens [5] 38/7 68/23 82/3 91/14 92/3 city [2] 18/12 57/11 Civil [2] 1/18 104/15 clarify [1] 8/23 clarity [1] 16/25 clean [4] 85/22 86/1 91/20 91/21 cleaning [10] 85/21 85/23 86/1 86/12 86/25 87/5 88/7 88/9 88/10 88/15 clear [4] 27/10 41/16 57/23 59/21 clerk [11] 62/2 62/4 62/7 62/9 62/11 82/21 93/11 93/25 95/4 95/5 98/9 client [1] 71/12 closer [1] 60/24 Co [1] 2/9 Columbus [2] 2/16 58/21 come [7] 61/24 62/17 62/21 71/17 73/16 81/22 90/3 comfortable [1] 27/15 coming [1] 100/9 comment [1] 47/17 comments [3] 49/18 49/25 50/6 commission [2] 13/24 102/21 commissioner [29] 9/17 9/24 10/4 10/20 26/6 28/8 38/3 42/8 45/12 52/22 52/25 53/5 53/10 53/17 60/16 60/16 60/17 80/2 81/14 82/2 82/12 82/23 86/8 87/2 89/11 91/13 92/2 92/12 97/11 commissioner's [7] 16/11 38/5 42/5 60/20 66/3 67/1 68/22 commissioners [26] 2/20 11/16 11/19 13/2 14/9 14/13 14/21 15/19 16/16 21/1 22/18 24/22 25/15 25/19 33/6 39/4 39/8 45/6 54/8 54/21 54/24 56/7 56/24 62/18 74/25 81/11 commissioners' [8] 12/17 12/18 12/19 13/4 14/5 16/24 17/2 17/7 committee [4] 11/1 16/15 20/22 20/23 committeeman [1] 10/25 committees [1] 58/20 common [3] 11/19 57/6 90/15 communication [1] 98/7 communities [1] 76/18 comparable [1] 16/14 complained [4] 67/13 84/21 85/22 88/13 complains [1] 96/20 complaint [1] 53/4 complete [3] 16/10 35/20 101/6

<p>C</p> <p>completed [5] 40/12 40/15 84/2 102/3 102/13 completely [3] 29/22 94/5 99/7 computer [1] 3/13 computer-assisted [1] 3/13 concentrate [1] 37/1 concern [4] 80/13 83/22 83/25 96/22 concerned [2] 34/16 86/25 concerns [1] 59/16 concluded [1] 100/12 condition [1] 62/3 conduct [9] 12/11 12/18 42/9 42/11 45/11 45/18 45/21 49/10 49/12 confidence [1] 34/19 confusion [1] 20/25 conscious [1] 72/12 consider [1] 29/21 consideration [1] 104/16 considered [1] 24/16 consisting [1] 101/5 constantly [5] 41/3 47/1 66/3 66/10 73/16 contacted [1] 98/14 contained [1] 86/11 continue [3] 29/2 81/15 82/4 continued [1] 81/23 continues [1] 33/8 contributing [1] 59/16 control [14] 19/4 28/14 29/5 29/7 30/11 30/23 30/25 43/5 43/6 43/8 44/11 44/23 45/2 46/18 controls [1] 52/20 conversations [1] 98/24 copy [16] 18/2 19/6 19/7 19/7 32/6 38/19 38/20 38/23 38/25 39/1 39/23 39/24 40/1 57/1 104/10 104/12 correct [156] corrected [1] 68/16 correction [2] 103/7 104/11 corrections [1] 102/6 correctly [1] 42/6 cost [2] 15/21 40/19 couldn't [6] 16/4 58/4 62/11 79/4 83/9 83/9 council [2] 57/11 57/15 councilman [1] 9/9 counsel [5] 1/19 2/1 3/4 3/10 71/16 counties [3] 16/4 55/25 56/6 county [35] 2/20 2/20 2/21 12/24 15/11 15/23 16/10 38/7 38/9 39/2 39/3 39/3 41/24 42/1 55/20 56/3 58/3 59/9 59/18 59/19 61/3 65/8 65/8 65/10 65/11 65/12 65/14</p>	<p>68/23 82/3 87/11 87/12 91/14 92/3 95/14 95/25 couple [6] 6/2 6/8 7/5 15/10 28/17 61/16 course [1] 79/13 COURT [2] 1/1 1/20 create [3] 19/14 55/25 56/8 criticism [1] 92/18 criticize [2] 62/22 95/18 criticized [2] 68/24 95/21 criticizing [3] 45/11 47/11 95/23 CROSS [2] 4/3 5/8 crucial [1] 33/17 current [4] 32/10 32/14 32/15 56/20 currently [1] 26/21 custodian [1] 84/22 cut [1] 63/22 cutting [1] 64/2 CV [1] 1/9</p> <p>D</p> <p>Dan [1] 11/22 Date [3] 102/9 102/19 103/25 David [3] 2/5 3/7 104/22 day [20] 14/25 15/2 24/3 24/5 24/13 26/24 28/21 28/23 29/24 38/6 42/2 42/2 42/3 42/21 47/22 66/11 78/17 87/11 89/15 99/19 days [5] 14/20 42/18 42/20 60/9 104/14 dbetras [1] 2/7 Dear [1] 104/9 debate [14] 28/11 28/15 28/19 29/1 29/3 29/5 29/11 30/10 30/19 31/2 32/21 33/2 33/20 34/18 debates [3] 28/7 28/9 43/15 decide [7] 30/24 74/22 74/25 75/3 75/14 75/25 76/16 decided [5] 21/1 30/12 49/25 50/5 87/18 deciding [2] 28/21 28/22 decision [3] 76/2 88/18 88/19 decisions [1] 16/23 decorum [9] 17/3 17/7 17/10 17/14 30/7 36/6 56/1 56/5 56/8 deed [1] 102/17 deep [2] 72/19 88/25 deeper [1] 72/24 Defendants [3] 1/12 2/14 2/20 deference [1] 32/19 deliberation [2] 15/4 28/11 delivered [1] 92/15 demanding [2] 38/5 42/1 Democrat [1] 10/9 Democratic [2] 10/8</p>	<p>10/23 deny [1] 85/2 department [25] 13/7 13/11 13/17 14/10 14/10 14/22 16/8 42/14 47/23 48/3 63/3 65/3 65/20 66/1 66/11 66/24 67/2 67/4 67/5 70/19 70/19 84/22 91/8 91/15 92/5 departments [8] 14/14 15/8 40/12 40/17 40/21 42/3 47/23 58/6 DEPONENT [1] 102/3 depose [1] 5/14 deposed [1] 5/25 deposition [12] 1/5 1/15 3/5 3/10 3/14 3/15 3/17 7/14 9/3 72/21 100/12 104/10 deputies [5] 52/1 52/3 76/14 76/16 76/24 destroy [1] 34/18 destroying [1] 88/13 determine [2] 53/19 53/22 detours [1] 89/4 deviate [5] 25/11 49/23 50/12 50/13 50/16 deviated [4] 24/12 25/5 25/24 26/11 deviates [1] 25/12 deviating [1] 50/20 deviation [3] 25/7 25/16 25/19 dialed [1] 99/3 dictated [1] 89/9 didn't [65] 11/10 15/17 15/23 16/5 18/18 19/12 23/22 29/24 32/12 34/21 38/4 39/13 39/15 41/20 44/12 44/14 44/24 47/23 48/11 48/13 48/25 50/13 58/9 58/17 58/18 58/23 59/15 60/2 61/7 61/8 61/9 63/22 64/21 66/23 67/19 67/23 68/1 68/7 68/17 69/14 69/16 70/2 70/5 70/9 71/2 71/19 72/3 73/15 74/17 75/22 77/2 77/7 77/22 78/6 78/16 79/5 80/3 80/6 84/16 85/8 87/13 88/12 90/21 94/15 94/16 difference [6] 23/7 23/12 23/14 31/12 31/14 44/18 different [8] 8/12 12/6 14/13 14/20 15/7 23/2 61/4 62/6 difficult [1] 16/4 direct [1] 60/20 directed [1] 60/15 dirtied [1] 88/14 disagree [8] 18/16 29/10 32/11 32/17 55/16 69/14 76/25 96/1 disagreeable [1] 31/7 disagreement [1] 69/16 discuss [4] 12/24 14/24</p>	<p>15/10 46/3 discussed [1] 15/9 discussion [6] 15/4 16/17 16/18 21/6 22/24 104/11 discussions [1] 20/19 disposed [1] 34/15 dispute [3] 90/13 90/15 90/21 disputed [3] 90/16 90/17 90/19 disrupting [3] 51/18 53/23 75/4 disruption [1] 88/3 disruptions [1] 88/1 disruptive [11] 75/14 75/25 76/17 86/17 86/23 88/5 88/20 95/2 95/3 95/13 95/24 dissimilar [1] 91/4 district [5] 1/1 1/2 1/20 1/20 10/22 disturbing [1] 53/20 DIVISION [2] 1/3 1/21 do [134] doctor [3] 61/18 81/22 96/21 doctor's [1] 61/19 does [12] 23/25 24/3 25/20 42/8 52/18 52/18 53/9 56/14 56/15 60/19 60/21 75/8 doesn't [9] 35/1 35/15 38/11 46/15 47/19 61/18 75/8 76/8 76/10 Dog [1] 10/18 doing [16] 9/14 11/11 11/12 15/3 44/1 46/13 47/13 47/22 53/17 55/3 61/2 67/14 69/4 74/16 86/3 92/7 dollars [5] 15/15 16/22 42/5 91/15 92/4 don't [162] done [14] 20/7 40/18 40/22 42/6 59/4 68/24 69/1 80/25 82/17 89/22 90/17 95/5 99/22 99/24 down [8] 44/14 81/22 89/22 90/3 90/4 93/1 94/8 95/6 Downey [2] 2/23 104/5 drafted [1] 18/15 Drive [2] 2/6 3/7 duly [1] 5/4 during [20] 30/19 40/3 44/2 45/12 54/3 54/8 58/19 60/20 62/15 62/22 69/14 79/9 79/12 86/14 86/22 87/2 87/7 87/14 88/6 96/18 duty [5] 33/19 40/14 52/17 53/21 53/22</p> <p>E</p> <p>each [6] 13/17 13/17 17/17 41/22 42/14 52/16 earlier [4] 39/23 59/12 77/19 90/20</p>	<p>easiest [1] 5/13 EASTERN [2] 1/3 1/21 economic [1] 58/19 edition [5] 18/9 18/11 18/12 32/9 57/24 editions [1] 18/20 effective [1] 45/2 efficient [2] 91/15 92/4 either [4] 20/23 72/18 96/10 96/12 elected [8] 13/6 13/11 52/16 52/20 59/13 59/15 91/14 92/3 election [5] 11/4 11/5 58/23 59/1 59/5 elevated [2] 27/21 28/3 else [3] 47/16 48/4 86/3 embarrassed [1] 68/20 emergency [1] 80/22 employee [7] 49/12 62/14 62/17 62/17 62/21 63/1 65/12 employees [3] 14/10 48/12 49/11 employer [1] 62/16 employment [2] 52/25 53/2 Enclosed [1] 104/10 Enclosure [1] 104/21 end [4] 21/17 49/18 50/8 91/12 ended [1] 10/2 enforce [1] 53/5 enforcement [2] 95/14 95/25 engaged [3] 29/1 29/10 30/10 engineer [7] 63/10 63/11 65/8 65/9 65/10 65/11 65/14 engineers [1] 69/19 enjoy [1] 26/6 enough [4] 15/18 15/20 23/25 26/5 enter [1] 28/15 entire [6] 36/24 39/11 39/24 48/1 69/15 95/3 entitled [1] 1/15 errata [1] 102/7 especially [2] 33/11 58/5 Esquire [5] 2/5 2/9 2/15 2/22 104/5 essentially [1] 14/21 et [2] 1/11 104/8 even [11] 39/13 39/15 44/16 47/20 75/8 75/20 76/1 76/8 84/7 91/3 100/6 evenly [2] 17/11 17/15 ever [20] 5/25 17/2 31/1 31/3 31/8 32/21 33/13 33/22 41/8 43/22 43/25 52/4 52/7 54/2 54/4 62/16 69/14 72/21 85/10 97/25 every [41] 12/5 14/9 14/14 15/8 15/10 16/7 16/9 19/15 25/3 29/24 36/8 38/6 39/2 39/3 39/7 40/2 40/8 40/20 41/3</p>
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E every... [22] 41/18 42/2 42/2 42/3 42/8 47/4 47/4 47/22 47/25 48/21 49/1 51/7 55/20 56/3 61/1 65/3 65/3 66/11 67/18 76/17 87/11 99/19 everybody [5] 5/14 17/21 30/22 47/16 48/4 everybody's [1] 43/10 everyone [1] 17/21 everything [16] 11/13 18/22 31/25 38/10 41/15 42/8 55/21 59/12 59/14 70/3 70/6 83/7 91/1 96/3 98/10 98/13 evidence [4] 98/3 98/8 98/12 98/17 evidently [5] 33/9 48/7 48/13 72/3 92/19 exact [1] 98/6 exactly [12] 49/6 50/8 51/2 55/4 55/8 77/23 79/10 83/21 89/24 93/9 93/12 94/20 EXAMINATION [2] 4/3 5/8 examined [1] 5/6 except [1] 85/22 exception [1] 103/5 exchange [1] 69/15 Excuse [1] 34/5 exercising [1] 33/3 exhibit [6] 4/13 4/14 60/4 91/20 91/20 97/14 EXHIBITS [1] 4/12 existed [1] 39/19 expect [2] 37/3 92/15 expected [1] 36/24 expecting [1] 92/20 experience [1] 11/24 Expiration [1] 102/21 explain [8] 11/11 13/20 16/18 23/15 23/24 51/5 62/23 66/1 explained [7] 34/24 35/12 61/25 63/8 63/21 68/25 90/21 express [1] 31/7 extremely [3] 33/16 34/17 49/19	family [1] 40/21 far [5] 34/16 38/9 59/14 72/5 86/25 fast [1] 97/9 favors [1] 61/5 feel [4] 59/17 72/11 79/24 80/15 feels [4] 25/6 26/11 74/15 95/19 felt [2] 62/11 80/22 female [2] 86/21 88/6 few [5] 10/2 13/21 18/20 24/23 80/9 fierce [1] 43/15 figure [1] 32/4 figured [1] 61/24 film [1] 64/11 films [1] 49/1 filth [1] 84/23 filthy [3] 84/21 85/23 85/24 finally [1] 7/19 finances [1] 16/5 financial [1] 15/12 financially [2] 15/11 15/16 find [3] 23/5 88/20 104/10 fine [11] 6/16 8/13 8/16 8/21 27/5 31/20 59/12 59/14 66/16 88/24 89/2 fingers [4] 92/1 97/20 99/4 99/7 finish [16] 6/20 6/21 7/1 30/22 37/21 38/16 48/24 48/25 49/4 49/13 52/14 52/15 61/24 68/3 77/15 81/25 finished [6] 3/14 3/16 48/16 93/11 94/7 96/3 finishing [1] 48/14 first [12] 5/3 6/24 11/22 11/24 12/12 13/21 15/13 18/15 20/8 89/14 89/15 92/14 Fishel [2] 2/23 104/5 fisheldowney.com [1] 2/25 fit [1] 54/1 Fitness [1] 64/13 five [4] 10/15 63/14 63/14 80/20 fix [1] 59/11 floor [2] 54/10 54/21 follow [15] 22/9 22/11 25/3 35/13 35/15 40/12 49/20 52/25 53/2 53/6 53/10 54/24 57/19 57/23 81/3 followed [9] 24/25 29/23 39/20 40/15 50/8 56/10 56/22 58/7 78/16 following [8] 12/1 14/25 29/25 58/7 82/18 88/7 102/6 103/5 follows [1] 5/7 force [1] 52/24 foregoing [2] 102/5	102/16 forget [1] 36/25 form [3] 89/12 89/14 102/6 formal [3] 14/21 14/23 16/16 fortunately [1] 11/13 forum [4] 92/16 92/21 92/22 92/23 forward [2] 43/12 97/9 found [2] 16/1 84/23 four [3] 10/15 42/20 91/7 fourth [1] 20/15 FRANK [17] 1/5 2/21 5/2 8/8 8/14 9/13 50/11 60/25 60/25 72/12 92/7 100/8 102/5 102/9 103/3 103/25 104/10 Frank's [2] 8/13 56/14 FRENCHKO [54] 1/7 9/25 10/4 40/5 40/7 42/22 43/23 44/15 45/1 45/5 46/6 49/24 51/1 51/9 58/22 59/13 60/17 60/23 60/24 60/25 61/5 62/8 66/19 68/6 78/11 78/23 78/25 80/2 80/5 82/13 84/17 84/20 86/2 86/4 86/8 86/15 87/8 87/13 87/17 88/12 89/5 89/22 91/9 91/13 92/2 92/12 92/18 93/1 94/8 94/10 94/11 95/17 97/11 104/8 Frenchko's [1] 87/2 frequently [1] 63/5 front [4] 44/15 62/9 83/4 83/12 FUDA [20] 1/5 2/21 5/2 5/10 8/8 8/14 50/11 60/16 60/25 60/25 66/4 86/5 87/11 88/22 102/5 102/9 103/3 103/25 104/10 104/12 Fuda's [1] 87/10 full [7] 9/16 19/9 42/6 42/20 64/16 64/17 86/1 full-time [2] 9/16 42/6 fully [1] 23/23 funding [1] 58/17 funds [2] 15/14 15/15 further [1] 3/9 future [1] 16/9	gentleman [6] 64/3 65/9 66/23 70/1 73/6 90/19 get [36] 6/15 7/16 14/17 16/2 16/25 20/24 21/11 21/20 23/21 34/6 37/25 39/13 39/15 40/11 40/18 40/19 43/17 43/19 44/11 46/18 62/11 64/13 67/3 69/17 70/19 73/1 73/17 74/9 76/19 77/20 80/19 83/23 84/3 84/8 85/25 96/5 gets [2] 20/19 74/8 getting [6] 83/3 83/25 84/2 97/23 98/2 98/7 Girard [2] 10/15 10/17 give [7] 14/11 22/1 29/15 51/7 62/23 98/12 99/15 given [8] 18/12 35/22 36/19 37/16 38/20 44/22 79/24 86/12 gives [1] 26/25 glasses [1] 97/17 go [26] 8/7 13/18 16/2 29/24 34/7 34/12 36/10 37/22 38/6 40/20 42/2 57/9 61/18 67/6 68/4 69/20 73/5 73/18 76/18 81/9 89/3 89/4 96/21 97/8 97/15 97/19 gofer [1] 7/15 going [61] 6/3 6/9 6/20 7/19 11/14 12/9 13/21 14/16 14/24 15/4 18/14 24/23 31/12 32/24 33/23 34/1 35/4 36/10 37/2 45/24 46/2 46/19 47/7 47/21 56/12 59/11 59/20 64/1 67/22 68/3 69/20 70/12 72/11 72/20 73/3 74/12 74/13 75/6 76/18 76/20 77/13 77/16 77/18 77/24 78/1 78/3 78/7 80/19 81/21 83/3 84/8 84/15 85/2 86/5 87/10 89/15 96/7 97/9 97/13 97/14 97/15 good [6] 8/4 8/6 9/15 27/17 62/13 68/1 got [17] 5/20 8/13 17/8 32/16 39/10 39/17 40/18 59/9 61/10 61/12 61/25 62/8 68/24 77/19 80/10 82/15 98/4 gotten [1] 80/25 government [7] 6/25 9/4 9/7 9/9 9/19 15/14 20/19 government's [1] 40/24 governments [3] 20/4 21/9 21/23 grant [1] 16/2 great [5] 8/6 9/5 10/20 58/11 92/7 group [1] 61/9 guess [4] 20/14 27/18 36/11 68/10 guidelines [1] 6/10 guys [3] 47/2 64/18 97/22	H half [1] 45/17 hand [4] 19/6 39/24 97/13 97/14 happen [2] 32/6 78/16 happened [18] 14/12 14/20 31/22 41/15 44/16 49/6 51/2 51/5 54/15 61/15 62/6 66/3 66/22 69/2 80/15 81/17 94/9 94/20 happens [1] 33/5 happy [2] 7/8 36/16 harder [1] 6/18 Harold [1] 2/14 has [21] 7/15 24/21 33/1 33/10 33/17 34/14 34/15 38/3 38/10 52/16 52/21 52/24 53/4 53/5 53/12 53/16 72/4 72/5 84/11 95/17 104/13 hasn't [2] 7/4 45/23 hate [1] 7/20 have [160] having [4] 5/3 16/12 16/17 28/6 He'll [1] 100/10 he's [13] 53/17 62/14 63/17 63/18 64/20 65/10 65/10 65/11 65/12 65/13 75/6 87/16 100/6 head [1] 42/14 heading [1] 32/20 heads [5] 13/7 13/11 14/10 14/22 47/23 health [1] 48/3 hear [7] 64/20 64/21 64/24 65/6 65/15 67/19 69/9 heard [1] 88/25 hearing [2] 71/21 72/5 held [2] 84/6 85/3 Helen [3] 2/22 91/25 104/5 help [4] 42/3 42/3 59/8 91/24 helped [2] 59/2 59/6 Heltzel [1] 15/19 her [69] 3/12 40/8 43/21 44/2 45/9 45/11 45/18 45/21 46/12 46/15 46/16 46/17 47/3 47/11 47/12 47/19 48/14 48/21 48/25 48/25 49/4 49/13 49/13 50/9 59/2 59/5 59/6 59/8 61/6 61/6 61/7 62/8 62/10 62/10 66/20 68/7 68/8 69/9 70/1 80/4 80/11 80/19 82/20 83/2 83/3 83/3 83/10 83/12 83/13 83/15 83/16 83/16 83/19 86/24 87/4 87/9 89/14 89/15 90/15 93/14 94/13 94/19 95/1 95/19 95/20 96/8 96/21 99/15 102/17 hereby [1] 102/15 herein [1] 103/3 hereto [1] 3/5
F F-R-A-N-K [1] 5/11 F-U-D-A [2] 5/11 5/18 F-U-D-O [1] 5/15 Facebook's [1] 64/14 fact [2] 58/16 66/7 factor [1] 33/17 fair [5] 23/25 26/5 58/12 64/12 66/13 fairly [1] 30/18 false [3] 65/21 65/23 92/16 familiar [7] 23/2 23/13 23/16 29/22 30/3 30/4 33/24 familiarize [1] 37/11		G gain [1] 11/24 game [1] 69/19 gave [11] 30/21 35/23 61/6 61/6 61/10 63/20 93/25 97/22 98/9 98/9 98/13 gavel [12] 41/9 44/7 44/10 44/21 44/22 44/23 44/25 46/9 47/9 48/18 49/13 94/23 general [5] 11/4 11/5 12/17 19/24 64/7 generally [5] 12/21 21/10 23/19 73/6 75/20		

<p>H</p> <p>hesitate [1] 104/16</p> <p>Hi [1] 9/13</p> <p>high [2] 8/1 99/19</p> <p>highway [16] 63/2 63/10 63/11 65/3 65/8 65/20 66/1 66/11 66/24 67/2 67/4 67/5 69/18 70/18 70/19 91/7</p> <p>him [45] 29/2 48/1 52/19 53/14 61/11 62/18 62/22 63/4 63/7 63/8 63/15 63/16 63/20 63/22 64/2 64/19 64/21 65/22 65/23 65/23 66/20 67/23 68/6 68/17 69/12 69/14 70/1 70/2 70/3 70/9 70/16 70/17 71/7 72/2 72/4 73/22 74/7 74/15 74/17 75/7 75/18 77/7 90/21 90/21 91/24</p> <p>himself [2] 34/15 37/11</p> <p>hired [1] 16/1</p> <p>his [27] 3/14 3/17 18/15 33/3 33/18 33/19 34/19 52/18 52/25 53/2 53/10 53/12 53/17 67/19 67/23 71/24 74/16 74/18 76/7 76/11 77/13 85/17 90/22 91/5 91/5 91/7 102/17</p> <p>his/her [1] 102/17</p> <p>history [2] 9/3 9/4</p> <p>hit [6] 44/21 44/25 46/8 47/9 64/16 94/22</p> <p>hold [9] 13/2 84/16 85/10 85/19 86/21 87/6 87/14 88/5 88/16</p> <p>holding [6] 36/21 83/8 84/5 86/10 86/14 87/1</p> <p>holds [1] 35/5</p> <p>home [4] 7/14 7/16 7/18 35/25</p> <p>honest [13] 36/2 71/23 72/4 79/11 79/17 80/8 90/2 93/4 94/21 94/24 95/8 95/15 96/19</p> <p>hospital [7] 61/21 80/11 80/11 80/20 81/21 93/11 96/22</p> <p>Hot [1] 10/17</p> <p>hours [4] 42/21 42/21 46/20 73/18</p> <p>hsudhoff [1] 2/25</p> <p>huh [7] 6/15 7/3 25/14 31/1 31/4 42/16 61/22</p> <p>huh-uhs [1] 6/15</p> <p>huhs [1] 6/14</p> <p>human [1] 6/18</p> <p>humans [1] 30/24</p> <p>hundreds [5] 16/21 42/4 66/25 68/21 70/21</p> <p>I</p> <p>I'd [1] 61/24</p> <p>I'll [12] 8/14 23/15 23/17 37/9 51/2 58/9 62/23 63/25 66/1 70/19 81/10 89/21</p>	<p>I'm [90] 5/25 6/3 6/9 6/20 7/8 7/15 7/19 8/3 11/7 11/21 11/22 16/24 18/14 23/4 23/13 23/16 23/19 24/23 26/15 26/17 27/12 28/9 30/4 31/11 32/5 32/24 33/6 33/23 34/1 35/2 35/4 36/10 36/16 36/21 37/2 39/9 42/7 42/9 44/20 45/24 46/2 46/8 46/24 47/7 49/3 49/10 50/2 50/3 51/8 53/7 53/9 56/12 59/20 62/20 64/1 66/5 67/8 67/10 67/15 67/16 67/22 68/5 69/20 70/12 70/18 72/11 72/17 72/20 75/15 75/19 76/4 76/13 77/10 77/18 82/17 84/7 84/19 85/8 86/5 86/9 86/25 87/5 88/24 89/2 97/3 97/9 97/13 97/15 99/24 100/7</p> <p>I've [5] 8/12 21/9 43/17 60/19 76/23</p> <p>idea [4] 24/7 82/22 83/21 89/19</p> <p>ideas [1] 73/7</p> <p>immediately [1] 27/1</p> <p>impartial [1] 29/2</p> <p>impartiality [2] 33/2 34/19</p> <p>imply [1] 18/18</p> <p>important [6] 49/19 61/17 62/1 62/3 78/12 79/25</p> <p>inappropriate [1] 48/9</p> <p>included [1] 85/13</p> <p>income [1] 15/13</p> <p>incorporate [4] 35/16 37/7 38/13 38/17</p> <p>incorporated [4] 30/6 36/5 37/5 37/24</p> <p>incorporates [1] 56/3</p> <p>incorporating [2] 56/13 56/18</p> <p>incumbents [3] 58/23 58/25 59/4</p> <p>Indeed [1] 34/16</p> <p>INDEX [1] 3/18</p> <p>individual [1] 33/1</p> <p>informal [1] 17/1</p> <p>information [3] 14/18 16/20 79/24</p> <p>initiates [1] 28/19</p> <p>instance [1] 23/9</p> <p>instead [1] 67/3</p> <p>instruct [1] 88/15</p> <p>instructed [1] 88/17</p> <p>interest [1] 15/13</p> <p>interfere [1] 7/24</p> <p>interject [1] 73/13</p> <p>interjecting [1] 73/7</p> <p>internal [1] 53/10</p> <p>interrupt [17] 26/12 26/13 26/16 26/19 26/25 31/1 31/3 40/5 41/21 62/18 64/8 64/9 64/21 67/23 68/13 69/9 69/11</p>	<p>interrupted [13] 31/8 40/7 40/8 40/19 41/14 41/18 62/14 62/16 62/22 63/4 63/7 65/22 94/6</p> <p>interrupting [12] 31/9 41/1 41/5 41/12 41/17 53/13 63/18 64/4 70/1 72/2 73/22 74/7</p> <p>interruption [2] 74/20 74/21</p> <p>interrupts [2] 74/9 74/14</p> <p>investigated [4] 44/8 47/15 47/17 47/18</p> <p>investigation [2] 46/11 49/12</p> <p>investigations [3] 44/1 44/3 61/7</p> <p>invite [1] 14/10</p> <p>involve [1] 28/10</p> <p>isn't [3] 70/14 78/20 82/25</p> <p>issue [1] 48/5</p> <p>it's [60] 5/18 6/8 7/20 11/19 12/8 16/10 16/20 19/11 20/23 21/14 22/1 24/18 24/19 24/19 27/13 27/15 35/25 36/1 38/1 40/2 40/16 40/23 40/23 42/6 43/12 49/19 49/22 50/11 50/15 53/18 53/22 53/24 54/15 55/19 57/6 63/12 63/13 63/13 64/8 64/19 65/6 65/8 70/25 72/10 74/20 74/21 75/3 75/7 76/5 76/7 84/10 87/23 88/1 88/4 88/4 89/12 95/20 95/21 95/24 99/17</p> <p>item [1] 78/21</p> <p>J</p> <p>Jab [1] 10/17</p> <p>January [5] 12/12 30/7 32/10 37/5 56/11</p> <p>Jib [1] 10/17</p> <p>Jim [1] 10/19</p> <p>job [44] 9/16 10/20 16/10 16/11 16/11 28/16 36/6 36/25 37/19 38/2 38/5 38/6 40/11 40/13 40/21 42/1 42/5 42/6 42/9 46/16 47/20 47/21 47/22 47/24 47/25 52/15 52/16 52/18 53/12 53/16 53/17 58/13 67/14 68/22 69/17 74/16 76/6 76/7 82/2 82/25 87/23 88/1 89/15 92/7</p> <p>Jodie [4] 1/16 3/11 101/12 104/20</p> <p>July [12] 50/23 60/3 60/3 60/6 60/10 60/13 77/8 77/17 77/25 78/4 78/9 78/14</p> <p>just [51] 6/5 8/18 9/17 15/1 16/21 16/23 16/25 18/1 26/15 26/16 27/13 31/11 34/6 36/11 37/1 41/25 45/25 48/18 50/8</p>	<p>53/25 57/23 58/9 59/20 60/4 63/15 64/7 65/6 65/9 66/4 67/9 67/17 68/25 72/9 72/17 72/24 75/15 78/16 79/24 83/18 84/7 85/8 88/7 88/25 90/17 91/5 93/13 95/10 96/5 98/18 99/13 100/7</p> <p>K</p> <p>keep [4] 19/4 53/24 69/4 98/23</p> <p>keeping [1] 44/8</p> <p>kept [3] 41/10 62/9 63/8</p> <p>kid [1] 6/24</p> <p>kidding [1] 100/7</p> <p>kind [16] 6/4 6/5 6/9 7/24 12/11 16/13 17/1 20/2 20/15 23/20 27/20 28/2 28/3 28/25 78/24 98/7</p> <p>Klejka [1] 71/24</p> <p>Klotz [6] 82/12 83/4 83/5 83/9 89/6 89/22</p> <p>knew [6] 36/8 48/1 77/24 78/1 78/3 91/6</p> <p>know [64] 6/6 7/8 7/13 9/4 11/2 11/7 14/18 15/20 18/1 18/10 24/24 27/22 29/19 29/20 30/16 32/3 35/10 36/6 36/9 41/15 45/5 46/16 47/20 47/21 47/24 47/25 52/6 52/10 52/11 55/9 55/19 56/2 56/6 58/2 59/23 59/24 61/5 64/13 66/9 66/25 67/2 68/2 69/2 69/20 71/25 74/11 74/11 77/11 77/12 77/16 78/6 80/6 80/6 80/7 80/8 82/15 84/7 89/3 89/13 91/20 93/9 93/13 94/5 99/13</p> <p>knows [2] 55/21 67/7</p> <p>Kopp [1] 2/5</p> <p>L</p> <p>lady [1] 62/10</p> <p>laid [1] 25/8</p> <p>large [1] 33/11</p> <p>last [8] 7/5 12/4 28/17 42/12 44/11 91/22 91/23 92/7</p> <p>lasted [1] 42/18</p> <p>later [2] 9/10 47/2</p> <p>law [2] 95/14 95/25</p> <p>lawyer [1] 100/6</p> <p>leaders [1] 28/3</p> <p>learn [1] 38/19</p> <p>leaving [1] 34/17</p> <p>left [6] 16/8 40/1 80/23 81/20 85/24 97/2</p> <p>legislation [4] 20/19 20/24 21/10 41/25</p> <p>less [2] 14/21 14/23</p> <p>let [25] 6/20 6/20 6/24 6/24 7/1 7/8 7/8 34/6 37/21 38/16 48/23 48/24 48/25 49/4 49/13 52/14 52/15 58/8 64/11 68/3</p>	<p>70/3 71/7 77/15 80/9 82/15</p> <p>let's [15] 18/1 23/5 46/3 51/21 63/24 66/12 71/6 71/13 73/1 73/4 74/12 85/6 85/15 89/4 98/1</p> <p>letter [31] 60/19 60/23 61/10 61/10 62/4 62/7 62/10 77/13 77/17 77/19 77/20 77/25 78/2 78/4 78/5 79/1 79/2 79/20 82/11 90/10 90/14 90/17 91/9 92/17 93/8 94/8 95/4 95/7 98/2 98/6 104/14</p> <p>letters [3] 61/12 61/14 62/5</p> <p>letting [7] 66/21 68/7 68/17 70/2 70/5 70/13 71/2</p> <p>levying [1] 92/18</p> <p>liar [3] 43/20 43/21 43/23</p> <p>life [3] 6/22 17/21 62/3</p> <p>Lighten [1] 99/18</p> <p>like [22] 6/10 7/24 12/2 12/12 13/14 14/21 15/7 25/6 26/6 36/20 36/22 44/1 48/11 51/5 64/8 67/18 74/19 84/17 88/23 90/17 93/10 96/2</p> <p>likely [1] 43/14</p> <p>LINE [1] 103/7</p> <p>list [1] 7/16</p> <p>listen [3] 69/1 71/8 81/7</p> <p>listened [1] 70/6</p> <p>little [8] 5/22 9/2 14/13 28/3 61/23 80/19 97/10 99/18</p> <p>LLP [2] 2/23 104/5</p> <p>load [2] 99/18 99/19</p> <p>local [2] 15/14 20/4</p> <p>long [8] 9/18 12/4 30/23 46/20 49/7 75/10 93/6 98/23</p> <p>longer [5] 26/6 27/11 29/11 30/13 33/6</p> <p>looked [2] 39/17 64/3</p> <p>looks [2] 36/20 36/22</p> <p>lost [2] 15/12 15/14</p> <p>lot [14] 8/12 9/11 15/17 21/9 36/25 42/15 49/9 63/7 64/2 76/20 80/5 80/5 86/2 100/3</p> <p>loud [2] 32/24 92/10</p> <p>loudly [1] 96/18</p> <p>LPA [1] 2/9</p> <p>M</p> <p>made [16] 13/23 15/24 22/5 45/5 46/22 47/1 47/4 47/4 47/5 58/4 58/5 58/11 58/18 59/15 68/23 92/21</p> <p>Madison [1] 2/10</p> <p>mail [1] 104/13</p> <p>main [3] 34/14 83/22 83/25</p> <p>maintain [2] 46/4 87/23</p> <p>maintained [1] 87/25</p> <p>make [15] 7/7 7/13 16/22</p>
---	--	--	--	--

M make... [12] 22/18 22/20 22/22 22/23 29/25 30/25 38/1 40/15 42/14 61/2 61/3 76/2 makes [2] 24/11 82/23 making [5] 24/12 45/1 45/9 53/25 63/9 male [1] 86/6 man [2] 72/20 86/6 manner [3] 40/17 40/23 74/14 many [21] 15/24 40/7 45/5 45/7 46/13 49/3 51/16 60/24 61/5 61/7 62/6 63/11 65/4 66/24 69/11 78/10 78/16 82/17 82/17 83/12 95/21 marked [3] 91/19 97/13 97/14 Markota [1] 2/5 masculine [2] 72/15 72/23 Matt [5] 2/9 8/19 8/20 8/20 104/22 matter [3] 26/21 34/16 104/16 matters [1] 15/4 Mauro [21] 2/21 10/12 10/14 10/21 11/3 17/5 17/8 37/4 40/4 40/8 41/4 41/8 41/12 41/20 54/2 54/5 87/10 91/19 95/12 95/24 99/9 Mauro's [1] 5/22 may [12] 3/5 3/10 3/12 14/9 29/13 33/16 34/13 34/18 41/6 46/3 54/10 55/12 maybe [3] 44/6 47/17 62/21 mayor [3] 10/14 10/17 10/20 mean [18] 17/25 18/1 18/11 18/18 19/19 23/19 24/1 24/4 25/10 25/20 26/19 28/22 29/4 29/4 53/2 59/15 72/25 74/8 means [1] 56/20 medical [1] 7/22 medication [3] 7/22 7/23 8/3 meet [3] 11/11 13/20 16/16 meeting [165] meeting's [1] 30/25 meetings [32] 7/1 14/20 15/5 17/3 17/7 19/5 28/2 31/22 39/25 40/3 41/21 42/18 42/19 45/12 46/19 51/16 51/22 51/24 51/25 52/2 54/3 54/9 54/25 57/25 59/22 61/1 75/11 75/23 76/24 77/3 81/3 86/15 Melfi [1] 10/19 member [10] 24/24 25/18 25/24 26/10 32/25 33/2	33/18 67/4 86/22 88/6 members [1] 25/6 members' [1] 34/18 Memorial [2] 61/21 80/20 memory [2] 7/25 41/17 men [3] 88/11 88/12 88/13 mention [1] 73/19 mentioned [1] 70/20 merits [1] 33/13 Mesopotamia [1] 67/6 messages [1] 98/21 met [3] 14/14 15/9 61/4 middle [8] 50/12 50/16 50/18 50/19 50/20 73/25 90/7 94/17 might [12] 10/19 11/2 11/22 12/24 20/22 21/11 38/8 41/14 51/14 64/13 90/16 98/4 Miller [5] 2/9 4/3 4/8 5/9 104/22 Miller-Novak [5] 2/9 4/3 4/8 5/9 104/22 million [3] 15/12 15/15 16/7 millions [4] 15/15 16/21 16/22 42/4 mind [3] 8/25 77/22 96/3 mine [1] 58/9 Mineral [2] 90/22 90/23 minor [1] 99/20 minutes [7] 20/15 56/12 61/16 63/19 79/15 80/9 80/20 mistakenly [1] 6/15 mistruths [1] 65/19 mmn [1] 2/11 moderate [2] 29/2 29/4 moderating [1] 30/19 moment [3] 34/10 72/21 97/10 moments [1] 14/6 money [3] 15/17 16/3 16/23 MONROE [4] 1/11 2/20 61/4 104/8 months [8] 13/19 13/21 31/10 31/23 45/16 45/19 45/21 47/2 more [10] 6/10 15/3 15/7 20/18 27/19 41/24 43/14 48/1 72/15 97/24 morning [2] 80/12 99/2 most [9] 14/13 14/16 15/23 20/4 21/23 28/2 30/4 42/12 62/3 motion [15] 20/11 22/6 22/17 22/20 22/22 22/23 23/8 24/3 24/11 24/13 24/16 24/19 24/21 27/4 79/21 motions [1] 23/3 move [5] 72/9 74/12 85/6 85/15 97/2 moved [2] 16/1 96/4 moving [2] 94/23 96/11	MR [6] 4/3 4/8 4/9 5/9 10/12 104/12 Mr. [13] 5/10 8/8 8/14 10/1 54/10 61/4 63/6 64/5 66/4 86/5 87/10 87/11 88/22 Mr. Cantalamessa [1] 10/1 Mr. Chair [1] 54/10 Mr. Fuda [7] 5/10 8/8 8/14 66/4 86/5 87/11 88/22 Mr. Fuda's [1] 87/10 Mr. Monroe [1] 61/4 Mr. Papalas [2] 63/6 64/5 MS [4] 4/7 78/23 87/13 104/9 Ms. [39] 9/25 44/15 45/1 45/5 46/6 49/24 51/1 60/23 60/24 60/25 61/5 62/8 66/19 68/6 78/11 78/25 80/5 82/12 83/4 83/5 83/9 84/17 84/20 86/4 86/15 87/8 87/17 88/12 89/5 89/22 91/9 92/18 93/1 94/8 94/10 94/11 95/17 Ms. Frenchko [33] 9/25 44/15 45/1 45/5 46/6 49/24 51/1 60/23 60/24 60/25 61/5 62/8 66/19 68/6 78/11 78/25 80/5 84/17 84/20 86/4 86/15 87/8 87/17 88/12 89/5 89/22 91/9 92/18 93/1 94/8 94/10 94/11 95/17 Ms. Klotz [6] 82/12 83/4 83/5 83/9 89/6 89/22 much [6] 49/21 58/4 60/24 73/1 91/25 97/21 must [4] 32/18 33/20 48/10 49/7 myself [1] 81/22 N name [6] 5/10 5/13 5/22 67/6 71/24 96/13 named [1] 102/16 names [1] 8/17 necessarily [4] 28/20 37/3 38/12 75/22 necessary [3] 28/12 91/15 92/5 need [14] 6/4 7/8 7/9 8/18 9/5 13/8 16/19 17/11 17/15 42/3 42/3 76/1 82/16 91/25 needed [4] 13/23 14/18 47/14 58/17 needs [4] 15/9 22/16 22/20 71/12 negative [1] 74/21 never [14] 11/9 39/17 39/19 48/23 48/23 54/12 57/22 62/14 67/13 68/24 85/3 87/17 88/14 96/20 new [4] 2/24 21/20 47/5	104/6 next [4] 34/12 73/3 90/4 90/6 night [1] 80/13 NIKI [13] 1/7 34/5 40/5 40/7 41/1 41/17 42/22 43/20 43/22 51/9 58/22 59/13 104/8 Niki's [1] 49/10 Niles [6] 9/9 9/11 9/19 57/12 57/14 57/16 nine [5] 31/10 31/23 45/16 45/18 45/21 nobody [3] 54/11 55/21 88/17 nominee [1] 10/10 none [3] 39/3 52/4 84/10 nonetheless [1] 58/22 normally [3] 14/25 33/11 73/15 NORTHERN [2] 1/2 1/20 not [133] Notary [7] 1/16 3/11 5/4 102/1 102/13 102/15 102/19 noted [2] 102/5 103/5 notes [1] 101/8 nothing [10] 5/5 33/12 41/10 53/16 57/10 62/6 80/25 84/11 84/19 91/2 notice [1] 68/1 Novak [5] 2/9 4/3 4/8 5/9 104/22 number [2] 99/3 104/17 O oath [3] 84/15 85/2 86/20 object [2] 33/23 34/2 objected [3] 80/2 80/5 82/13 objecting [5] 80/4 82/20 82/21 83/1 83/2 objection [11] 26/25 29/13 55/12 55/17 57/9 58/1 77/1 82/24 84/18 85/4 87/15 objections [2] 4/6 34/2 obligation [1] 33/18 obstructing [3] 83/13 83/16 83/19 obtain [1] 38/19 obviously [2] 11/16 27/24 occasionally [2] 84/12 84/16 occasions [2] 33/15 85/25 occur [1] 79/5 occurring [1] 82/24 off [7] 34/7 34/9 63/22 64/2 66/17 71/18 97/7 office [9] 2/21 13/5 13/14 13/15 61/19 66/3 67/1 73/16 99/3 officer [15] 11/20 11/21 11/25 12/9 12/14 32/25 34/13 34/17 38/18 57/7 57/14 75/5 82/25 96/23 97/1	officer's [2] 18/24 75/13 officers [6] 33/16 75/10 76/11 76/19 77/2 93/13 offices [1] 3/7 official [11] 30/7 36/14 36/15 36/17 38/1 52/16 56/4 56/19 59/15 95/14 95/25 officials [5] 13/6 13/12 52/20 91/14 92/4 often [3] 20/18 21/14 94/6 Offentimes [1] 77/19 Oh [2] 24/14 72/20 OHIO [12] 1/2 1/17 1/21 2/6 2/10 2/16 2/24 3/8 3/12 55/21 104/2 104/6 okay [228] okayed [1] 24/21 old [4] 18/11 21/14 21/20 87/10 once [5] 27/18 33/5 41/9 63/12 99/6 one [31] 9/25 10/1 10/5 13/17 15/19 16/13 16/14 16/25 20/25 25/6 27/13 28/19 29/10 31/22 34/5 35/11 37/9 39/5 39/7 41/10 50/5 55/19 57/3 58/9 58/22 58/25 59/8 72/6 75/14 81/14 91/21 only [4] 38/2 43/7 84/23 85/24 open [1] 20/2 operate [1] 61/3 operated [2] 58/16 58/18 operations [3] 80/12 91/16 92/5 opinion [2] 17/21 88/4 opponent [3] 10/7 10/13 10/21 opponents [3] 9/25 10/1 10/5 opportunity [4] 22/2 51/7 93/8 94/11 options [1] 81/18 order [91] 17/6 18/2 19/1 19/6 19/13 19/25 20/8 20/14 22/5 22/9 22/16 23/3 24/1 24/2 24/3 24/5 24/12 24/17 24/20 24/25 25/1 25/9 26/10 26/18 26/24 27/20 28/14 28/21 28/22 28/25 29/10 29/22 29/23 29/25 30/2 30/5 32/7 32/10 34/22 35/5 35/6 35/7 35/12 35/16 35/17 35/19 35/21 36/5 37/1 37/5 37/8 37/10 37/12 37/15 37/25 38/1 38/14 38/17 38/19 38/23 39/18 39/21 39/24 43/18 43/20 44/8 45/2 46/4 49/20 49/23 49/24 53/10 55/2 55/5 55/10 55/15 55/19 56/4 56/9 56/14 56/14 56/19 56/20 56/24 57/20 57/22 57/24 59/22
--	--	--	--	---

<p>O</p> <p>order... [3] 75/13 87/23 87/25</p> <p>Orders [1] 56/21</p> <p>organizational [2] 12/8 56/12</p> <p>original [1] 104/10</p> <p>originals [1] 104/13</p> <p>other [24] 6/17 7/1 7/7 8/5 8/17 13/5 15/8 15/15 16/4 33/2 41/22 45/6 48/2 54/20 56/6 57/4 62/5 67/18 71/14 74/19 76/18 84/4 91/14 92/3</p> <p>our [9] 7/1 15/10 34/11 40/11 40/12 46/19 54/25 77/3 104/11</p> <p>out [28] 6/19 11/10 11/18 16/2 23/5 24/24 25/8 25/13 32/4 32/24 35/5 51/15 51/16 51/17 51/22 51/24 51/25 52/2 62/8 62/11 67/6 68/22 81/12 83/3 89/5 92/9 96/13 96/14</p> <p>outdated [1] 27/20</p> <p>outweighs [1] 33/19</p> <p>over [30] 13/18 15/1 16/6 17/4 18/7 18/20 18/22 22/1 28/16 30/11 33/21 49/7 52/17 52/21 57/25 58/3 58/16 59/21 62/5 66/24 80/14 80/16 81/3 81/20 81/23 82/5 82/6 83/23 84/1 96/5</p> <p>overlooked [1] 33/18</p> <p>overspoke [1] 41/22</p> <p>own [3] 56/1 56/8 102/17</p>	<p>28/19 32/23 34/16 35/24 61/15</p> <p>parties [1] 3/5</p> <p>partisan [1] 34/15</p> <p>parts [2] 15/23 30/2</p> <p>party [1] 10/23</p> <p>pass [2] 17/2 41/25</p> <p>passed [4] 5/20 40/19 55/20 55/21</p> <p>past [9] 6/2 7/24 51/22 52/4 54/15 57/12 81/17 82/17 82/18</p> <p>path [1] 82/8</p> <p>PAUL [4] 1/11 2/20 15/18 104/8</p> <p>pause [1] 91/17</p> <p>Peck [1] 2/9</p> <p>pending [3] 1/19 33/13 34/14</p> <p>people [46] 11/11 11/13 16/1 16/1 30/4 40/7 41/1 41/5 41/13 41/14 41/17 41/21 42/2 42/2 43/10 45/7 50/7 51/16 51/23 52/12 52/19 53/25 55/10 57/8 58/4 58/10 59/3 62/5 64/8 66/21 67/1 67/14 68/7 68/24 70/17 79/3 85/21 85/23 86/2 86/13 86/25 87/5 88/9 88/10 88/15 89/16</p> <p>people's [1] 30/19</p> <p>per [1] 90/15</p> <p>percent [1] 67/15</p> <p>period [1] 29/15</p> <p>permission [5] 54/3 54/6 54/21 55/7 57/17</p> <p>person [10] 7/1 12/6 12/7 17/17 25/10 41/10 63/2 66/2 70/19 89/9</p> <p>person's [1] 88/8</p> <p>personally [1] 102/16</p> <p>phone [17] 38/6 61/16 61/17 61/17 62/1 65/3 65/3 65/4 69/17 80/10 83/16 91/6 98/23 99/2 99/3 99/9 99/14</p> <p>photographs [6] 84/13 84/24 85/1 85/5 85/9 85/10</p> <p>pick [1] 73/17</p> <p>picture [1] 87/1</p> <p>pictures [9] 84/16 85/3 86/10 86/14 86/21 87/6 87/14 88/5 88/16</p> <p>piece [5] 83/8 83/11 83/18 84/5 84/7</p> <p>Plaintiff [2] 1/8 2/4</p> <p>PLAINTIFF'S [1] 4/12</p> <p>Planet [1] 64/13</p> <p>planned [4] 9/9 10/1 16/7 16/9</p> <p>platform [1] 28/4</p> <p>play [3] 45/24 46/2 71/6</p> <p>played [11] 46/5 64/15 65/5 65/18 66/18 68/11 69/6 69/19 69/24 71/9 97/21</p>	<p>player [1] 20/8</p> <p>please [7] 34/8 37/21 60/4 77/15 104/10 104/13 104/16</p> <p>pledge [2] 20/4 20/7</p> <p>plenty [1] 76/24</p> <p>point [24] 20/5 20/20 21/11 21/24 23/25 24/2 25/2 25/21 28/21 33/19 62/21 64/3 66/19 66/22 68/6 68/12 69/12 69/25 71/1 72/1 76/5 79/19 90/9 95/5</p> <p>points [2] 6/4 24/24</p> <p>policies [3] 12/25 52/25 53/3</p> <p>Polivka [1] 11/22</p> <p>position [1] 15/16</p> <p>positions [1] 16/2</p> <p>positive [1] 74/20</p> <p>possibly [1] 49/21</p> <p>power [1] 56/7</p> <p>practice [2] 11/19 57/7</p> <p>prayer [1] 20/6</p> <p>precinct [2] 10/25 11/1</p> <p>precludes [1] 33/3</p> <p>prefer [1] 8/8</p> <p>preference [1] 8/9</p> <p>present [2] 13/17 76/24</p> <p>presented [2] 14/15 14/16</p> <p>preserving [2] 98/3 98/7</p> <p>preside [4] 33/19 59/21 81/23 82/4</p> <p>presided [1] 81/20</p> <p>president [1] 57/15</p> <p>presiding [23] 11/20 11/25 12/9 12/14 18/24 32/25 33/4 33/16 34/13 34/17 34/20 38/18 40/4 57/7 57/14 57/25 75/4 75/13 80/14 80/16 82/25 96/23 97/1</p> <p>pressure [1] 8/1</p> <p>pretty [3] 27/15 41/16 57/6</p> <p>previous [3] 15/2 20/16 61/1</p> <p>primary [6] 10/13 10/16 10/22 11/3 18/25 40/14</p> <p>prior [1] 60/12</p> <p>privilege [1] 27/4</p> <p>privileged [5] 23/8 24/16 24/18 24/19 24/21</p> <p>probably [10] 6/18 7/15 10/13 14/12 19/11 27/19 37/17 61/23 85/12 90/2</p> <p>problem [6] 8/13 59/8 59/9 72/5 84/20 93/20</p> <p>problems [6] 9/11 15/12 15/22 75/11 76/20 88/11</p> <p>procedure [6] 1/18 15/1 53/5 54/25 78/15 104/15</p> <p>procedures [2] 53/11 55/1</p> <p>proceed [1] 6/4</p> <p>proceedings [1] 101/7</p> <p>process [4] 14/2 16/17</p>	<p>25/1 25/8</p> <p>Professional [1] 101/13</p> <p>progress [7] 42/15 42/17 58/4 58/5 58/11 58/19 59/14</p> <p>project [4] 16/7 16/9 16/19 16/19</p> <p>projects [10] 15/17 15/20 16/5 16/7 40/18 40/20 68/21 68/23 68/25 73/18</p> <p>promised [1] 11/13</p> <p>promises [1] 15/24</p> <p>proper [2] 6/11 27/2</p> <p>properly [1] 82/6</p> <p>prosecuting [1] 98/3</p> <p>prosecutor [3] 98/11 98/15 98/25</p> <p>prosecutors [1] 98/9</p> <p>provide [2] 38/25 99/8</p> <p>public [21] 1/16 3/11 5/4 14/6 21/1 21/5 21/11 22/1 52/19 57/7 79/25 92/11 92/14 92/15 92/21 92/22 92/23 98/18 98/19 102/13 102/15</p> <p>publication [1] 92/16</p> <p>pull [1] 36/10</p> <p>purpose [1] 12/18</p> <p>purse [2] 13/3 13/4</p> <p>pursuant [3] 1/15 1/18 104/14</p> <p>put [4] 15/24 64/25 83/11 97/17</p> <p>puts [2] 91/15 92/4</p> <p>Q</p> <p>question [35] 6/20 7/20 7/20 8/18 8/22 26/20 27/1 31/21 33/17 34/14 37/21 38/16 47/8 47/8 49/4 51/4 58/8 62/13 66/20 67/8 67/16 67/24 68/3 68/6 69/5 69/23 70/4 70/23 70/24 71/1 74/13 77/15 81/10 85/7 85/18</p> <p>questions [15] 6/19 23/20 23/21 24/23 32/4 33/13 66/5 71/12 86/6 90/22 91/5 100/1 100/2 100/3 104/16</p> <p>quick [3] 71/14 71/17 97/6</p> <p>quite [1] 63/4</p> <p>quorum [2] 81/1 81/11</p> <p>R</p> <p>raise [1] 58/17</p> <p>ran [2] 58/2 87/12</p> <p>rare [1] 33/16</p> <p>Rd [1] 104/1</p> <p>RE [1] 104/8</p> <p>read [71] 3/16 18/6 18/7 21/16 21/17 29/24 32/12 32/21 32/24 33/13 33/22 34/21 35/14 36/24 37/17 39/4 39/8 39/11 39/11 56/11 60/2 60/12 60/19 60/20 61/11 61/13 62/2</p>	<p>62/4 62/5 62/10 77/13 77/16 77/21 77/22 77/25 78/1 78/3 78/11 78/12 79/1 79/5 79/8 79/9 79/10 79/11 79/12 79/14 79/24 80/1 80/2 82/11 82/13 82/16 91/10 92/6 92/7 92/9 93/16 93/20 93/23 93/24 94/1 94/3 94/4 94/5 95/4 102/5 102/5 103/3 103/4 104/12</p> <p>reading [8] 32/22 34/4 35/2 62/7 82/21 93/11 94/7 97/17</p> <p>ready [1] 97/3</p> <p>real [4] 16/11 71/14 71/17 97/6</p> <p>reality [1] 75/12</p> <p>realize [2] 71/19 72/3</p> <p>realized [1] 39/19</p> <p>really [12] 8/7 11/12 16/16 23/20 25/22 27/24 28/20 53/21 70/25 81/10 98/5 99/14</p> <p>Realtime [1] 101/13</p> <p>reason [8] 8/22 18/16 32/11 32/17 55/16 61/19 76/25 103/7</p> <p>reasons [2] 97/24 102/6</p> <p>recall [48] 7/24 27/7 31/5 31/9 31/11 33/14 35/24 36/1 40/9 41/15 44/5 45/10 45/14 46/17 48/16 50/1 50/20 50/25 51/8 51/10 51/23 52/7 52/12 54/7 54/16 55/8 57/21 64/4 64/5 79/17 82/12 83/8 84/5 84/6 89/24 90/11 90/12 94/20 94/24 95/8 96/2 96/7 96/10 98/5 98/7 98/14 98/17 98/20</p> <p>receipt [1] 104/14</p> <p>receive [1] 60/5</p> <p>received [4] 60/4 60/6 60/22 104/14</p> <p>reckless [2] 91/12 92/1</p> <p>record [8] 34/7 34/9 66/17 71/18 72/22 93/15 93/16 97/7</p> <p>recorded [2] 6/6 6/10</p> <p>recording [13] 46/1 46/5 64/15 65/5 65/18 66/18 68/11 69/6 69/24 70/14 71/1 71/9 90/20</p> <p>records [3] 58/13 98/18 98/19</p> <p>refer [1] 16/15</p> <p>referring [1] 14/19</p> <p>refresher [1] 6/5</p> <p>refusing [2] 70/22 85/7</p> <p>regaining [1] 92/14</p> <p>regarding [1] 41/17</p> <p>regardless [2] 17/12 17/15</p> <p>Registered [1] 101/13</p> <p>relating [1] 33/17</p> <p>relationship [2] 43/13 61/8</p>
---	--	--	---	---

<p>R</p> <p>released [1] 32/14</p> <p>relinquish [4] 28/14</p> <p>29/12 30/10 33/20</p> <p>relinquished [2] 34/13</p> <p>80/23</p> <p>remember [58] 10/24</p> <p>11/8 31/13 31/15 31/17</p> <p>31/22 32/1 32/2 32/22</p> <p>41/1 41/4 41/6 41/8 41/12</p> <p>41/23 43/21 43/22 43/24</p> <p>44/1 45/4 45/8 45/8 45/11</p> <p>45/18 45/21 49/6 49/9</p> <p>52/9 57/1 57/3 62/19 68/9</p> <p>71/5 79/10 80/4 82/20</p> <p>83/2 83/3 83/21 84/10</p> <p>84/10 93/3 93/12 95/10</p> <p>95/12 95/15 96/9 96/12</p> <p>96/13 96/17 96/19 98/1</p> <p>98/2 98/5 98/6 98/24 99/9</p> <p>99/11</p> <p>remind [1] 80/9</p> <p>removed [3] 52/8 52/12</p> <p>93/14</p> <p>repeat [1] 92/6</p> <p>report [1] 14/11</p> <p>Reporter [2] 101/13</p> <p>101/13</p> <p>REPORTER'S [1] 101/2</p> <p>Reporting [1] 104/1</p> <p>reports [3] 20/22 20/24</p> <p>21/16</p> <p>represent [7] 18/14 28/24</p> <p>37/2 37/9 55/14 64/1</p> <p>76/23</p> <p>representative [1] 10/23</p> <p>Republican [1] 10/6</p> <p>request [1] 98/19</p> <p>requested [3] 78/23</p> <p>78/25 79/2</p> <p>requesting [1] 92/11</p> <p>require [10] 22/5 22/9</p> <p>22/13 28/14 54/20 55/6</p> <p>55/10 55/15 55/15 56/24</p> <p>required [4] 27/21 33/2</p> <p>36/25 54/9</p> <p>reside [1] 82/6</p> <p>resolution [2] 35/14</p> <p>56/18</p> <p>resolutions [1] 12/22</p> <p>resort [1] 44/11</p> <p>respected [2] 58/3 58/20</p> <p>respective [1] 102/6</p> <p>respond [8] 6/25 7/2</p> <p>59/18 90/9 93/2 93/8</p> <p>94/12 95/6</p> <p>responded [5] 63/21</p> <p>63/22 70/7 91/1 93/3</p> <p>responding [3] 94/14</p> <p>94/18 94/22</p> <p>response [1] 93/12</p> <p>responses [1] 91/6</p> <p>responsibilities [1] 18/25</p> <p>responsibility [4] 29/21</p> <p>38/18 75/25 82/5</p> <p>responsible [1] 13/5</p> <p>rest [1] 55/6</p> <p>restroom [1] 7/9</p>	<p>retirement [1] 26/7</p> <p>return [1] 34/14</p> <p>review [2] 6/5 100/10</p> <p>rewind [2] 68/10 69/3</p> <p>rid [1] 59/9</p> <p>Ridge [2] 90/22 90/23</p> <p>Riepenhoff [2] 2/23</p> <p>104/5</p> <p>right [59] 5/13 5/20 7/12</p> <p>12/10 12/13 13/3 13/7</p> <p>13/13 14/4 14/5 14/23</p> <p>17/17 18/23 20/18 21/15</p> <p>24/10 25/22 25/23 26/8</p> <p>26/23 28/4 32/19 33/7</p> <p>43/12 43/25 44/17 44/20</p> <p>47/7 47/8 48/19 48/22</p> <p>49/10 51/8 53/18 64/19</p> <p>66/14 66/19 69/13 72/11</p> <p>73/2 73/3 73/4 73/4 79/14</p> <p>83/6 83/13 84/12 84/15</p> <p>85/2 89/1 90/19 91/10</p> <p>92/13 93/16 94/2 95/17</p> <p>95/21 98/13 99/21</p> <p>rights [2] 33/1 33/4</p> <p>risk [2] 91/16 92/5</p> <p>Road [1] 2/10</p> <p>Robert [5] 2/14 18/15</p> <p>33/8 33/9 38/7</p> <p>Robert's [76] 17/6 17/11</p> <p>17/23 18/2 18/25 19/6</p> <p>19/13 19/25 22/4 22/9</p> <p>22/13 22/16 23/3 24/17</p> <p>24/20 25/1 25/9 26/10</p> <p>26/18 27/20 28/13 28/25</p> <p>29/9 29/22 29/23 29/25</p> <p>30/2 30/5 32/6 32/10</p> <p>34/21 34/24 35/5 35/5</p> <p>35/6 35/12 35/16 35/16</p> <p>35/18 35/20 36/5 36/14</p> <p>37/1 37/5 37/7 37/10</p> <p>37/11 37/24 37/25 38/14</p> <p>38/17 38/19 38/23 39/18</p> <p>39/20 39/21 39/24 55/1</p> <p>55/5 55/10 55/14 55/18</p> <p>56/4 56/9 56/13 56/14</p> <p>56/18 56/20 56/21 56/23</p> <p>57/19 57/22 57/24 59/22</p> <p>75/13 81/6</p> <p>Roberts [1] 37/15</p> <p>room [1] 71/14</p> <p>Ross [1] 2/14</p> <p>rule [5] 32/20 36/8 55/8</p> <p>64/7 89/19</p> <p>rules [103] 1/18 6/9 17/2</p> <p>17/6 17/7 17/10 17/11</p> <p>17/14 17/24 18/2 18/15</p> <p>18/20 18/25 19/6 19/13</p> <p>19/25 22/4 22/9 22/13</p> <p>22/16 23/3 24/17 24/20</p> <p>25/1 25/9 26/10 26/18</p> <p>27/20 28/13 28/25 29/9</p> <p>29/22 29/23 29/25 30/2</p> <p>30/5 30/7 32/6 32/10</p> <p>34/21 34/24 35/5 35/6</p> <p>35/6 35/12 35/16 35/17</p> <p>35/18 35/20 36/5 36/5</p> <p>36/7 36/14 37/1 37/5 37/7</p> <p>37/10 37/10 37/11 37/15</p>	<p>37/24 37/25 38/8 38/8</p> <p>38/14 38/17 38/19 38/23</p> <p>39/18 39/20 39/21 39/24</p> <p>47/1 47/2 47/3 47/3 47/3</p> <p>55/1 55/5 55/10 55/15</p> <p>55/18 56/1 56/4 56/4 56/8</p> <p>56/9 56/13 56/14 56/18</p> <p>56/19 56/20 56/21 56/23</p> <p>57/19 57/22 57/24 59/22</p> <p>75/13 81/6 89/8 89/17</p> <p>104/14</p> <p>run [8] 16/13 19/2 38/17</p> <p>41/7 42/4 53/25 76/6</p> <p>87/10</p> <p>running [5] 10/20 38/9</p> <p>38/11 41/23 45/13</p> <p>rushed [1] 93/10</p> <p>rushing [1] 80/11</p> <p>S</p> <p>said [62] 9/4 9/18 10/4</p> <p>10/12 15/7 15/25 17/6</p> <p>23/22 28/6 34/6 39/23</p> <p>47/2 47/14 47/16 50/9</p> <p>59/12 61/11 61/23 63/9</p> <p>63/10 63/14 63/22 63/23</p> <p>64/4 64/5 66/23 66/25</p> <p>68/1 68/17 68/20 69/13</p> <p>69/13 70/6 70/10 70/13</p> <p>70/14 70/15 71/2 71/3</p> <p>71/10 71/20 72/7 77/19</p> <p>77/22 80/5 80/5 80/8 85/5</p> <p>85/21 85/24 87/9 88/10</p> <p>90/22 90/25 91/1 91/2</p> <p>93/10 95/13 95/24 96/2</p> <p>99/13 101/8</p> <p>same [13] 6/25 12/6</p> <p>17/17 32/5 33/1 40/22</p> <p>42/11 48/3 65/9 66/23</p> <p>76/19 92/15 103/4</p> <p>sanitary [5] 15/22 15/24</p> <p>16/8 40/17 58/6</p> <p>sat [5] 89/22 90/4 93/1</p> <p>94/8 95/6</p> <p>satisfied [1] 59/3</p> <p>saw [3] 5/17 48/18 65/9</p> <p>say [25] 6/9 6/12 13/2</p> <p>17/13 20/4 20/6 32/18</p> <p>33/12 35/15 38/4 39/22</p> <p>53/8 55/20 56/14 57/10</p> <p>63/21 65/4 66/2 70/3 70/3</p> <p>81/9 81/11 82/15 94/23</p> <p>95/21</p> <p>saying [43] 17/18 23/11</p> <p>23/23 24/9 25/17 26/16</p> <p>29/15 29/16 30/12 30/14</p> <p>31/12 31/14 31/19 33/5</p> <p>33/7 35/5 38/24 40/14</p> <p>41/20 46/7 46/8 48/6 48/8</p> <p>48/11 53/8 54/1 55/4</p> <p>58/10 63/9 64/10 64/20</p> <p>67/3 71/20 71/22 71/22</p> <p>73/8 73/23 75/3 80/6 80/7</p> <p>96/7 96/10 96/17</p> <p>says [9] 33/9 34/12 56/13</p> <p>56/18 63/12 63/13 63/13</p> <p>75/13 91/12</p> <p>Schlemmer [1] 2/9</p>	<p>screaming [1] 62/9</p> <p>screen [3] 5/15 64/16</p> <p>64/17</p> <p>seat [4] 62/8 83/3 83/10</p> <p>90/7</p> <p>second [10] 20/12 22/25</p> <p>34/5 73/5 91/17 91/22</p> <p>91/23 97/15 97/19 97/25</p> <p>seconds [2] 68/10 69/3</p> <p>section [7] 24/20 25/9</p> <p>26/10 26/18 27/4 27/7</p> <p>28/25</p> <p>sedentary [1] 97/24</p> <p>see [13] 14/12 15/11</p> <p>15/22 24/24 36/15 36/16</p> <p>64/11 64/25 65/2 71/20</p> <p>86/2 97/18 98/1</p> <p>seem [3] 29/2 41/16 49/9</p> <p>seen [3] 21/9 76/23 97/25</p> <p>segment [1] 46/2</p> <p>seldom [1] 61/4</p> <p>self [1] 72/11</p> <p>sense [1] 15/3</p> <p>sent [2] 67/17 67/17</p> <p>sentence [3] 48/24 74/1</p> <p>91/22</p> <p>September [5] 1/17 3/6</p> <p>103/4 104/3 104/10</p> <p>series [1] 23/21</p> <p>services [2] 40/21 104/1</p> <p>set [4] 12/24 56/21 56/23</p> <p>63/15</p> <p>several [1] 61/6</p> <p>Seville [2] 2/6 3/7</p> <p>sewer [3] 16/8 40/17 58/6</p> <p>sewers [2] 15/22 15/24</p> <p>she [113]</p> <p>She'll [1] 7/18</p> <p>she's [3] 90/6 95/24 97/14</p> <p>sheet [2] 19/9 102/7</p> <p>sheriff [34] 2/20 52/18</p> <p>52/18 52/21 52/24 53/4</p> <p>53/8 53/9 53/12 53/13</p> <p>53/17 60/22 60/23 60/23</p> <p>61/1 61/8 74/15 74/22</p> <p>75/3 75/6 75/8 75/15 76/2</p> <p>76/11 77/2 77/9 77/12</p> <p>77/14 77/16 77/21 77/24</p> <p>93/19 95/18 95/23</p> <p>sheriff's [10] 2/21 13/14</p> <p>52/16 75/10 75/24 76/6</p> <p>90/9 90/13 90/16 93/13</p> <p>sheriffs [2] 75/20 76/24</p> <p>Shope [1] 10/18</p> <p>shorthand [1] 3/10</p> <p>shouting [1] 44/7</p> <p>show [3] 66/23 67/10</p> <p>67/11</p> <p>showing [1] 86/22</p> <p>shown [2] 34/15 101/8</p> <p>sic [1] 37/23</p> <p>sick [1] 96/21</p> <p>side [1] 40/1</p> <p>sign [3] 3/16 100/10</p> <p>104/12</p> <p>signature [3] 3/14 100/11</p> <p>104/15</p> <p>signed [3] 102/16 104/13</p>	<p>104/14</p> <p>similar [1] 91/3</p> <p>simple [4] 51/4 71/1</p> <p>75/12 86/5</p> <p>since [3] 34/15 36/17</p> <p>58/8</p> <p>Sincerely [1] 104/18</p> <p>single [1] 42/8</p> <p>sit [2] 81/21 90/3</p> <p>sits [1] 90/6</p> <p>sitting [5] 19/12 27/13</p> <p>40/1 42/19 99/2</p> <p>situation [4] 69/21 74/15</p> <p>91/3 93/9</p> <p>six [2] 42/21 46/20</p> <p>Sixteen [2] 9/20 9/21</p> <p>slam [1] 48/18</p> <p>slammed [2] 44/10 49/13</p> <p>slamming [1] 44/7</p> <p>small [1] 46/2</p> <p>smaller [1] 35/16</p> <p>smart [3] 15/18 15/19</p> <p>16/22</p> <p>so [186]</p> <p>society [1] 33/1</p> <p>some [18] 6/4 15/15</p> <p>20/25 21/3 21/7 30/2 30/5</p> <p>32/1 38/8 50/7 50/10</p> <p>55/25 75/11 79/3 87/4</p> <p>89/4 97/17 98/7</p> <p>someday [1] 26/9</p> <p>someone [25] 18/12</p> <p>20/11 22/15 22/20 22/22</p> <p>24/11 25/5 25/12 25/13</p> <p>25/18 31/3 31/6 32/3</p> <p>37/16 43/6 52/16 53/20</p> <p>74/8 74/9 74/14 75/4 75/7</p> <p>75/7 86/3 98/11</p> <p>someone's [4] 26/20</p> <p>53/13 53/23 75/14</p> <p>something [14] 5/17 7/21</p> <p>31/22 41/7 47/5 51/22</p> <p>59/17 61/12 63/12 64/14</p> <p>78/15 82/24 93/23 98/4</p> <p>something's [1] 74/23</p> <p>sometimes [15] 6/18</p> <p>20/22 21/5 21/17 28/6</p> <p>28/10 40/3 40/5 41/2</p> <p>43/20 71/21 74/1 76/19</p> <p>79/3 97/24</p> <p>somewhat [2] 27/21</p> <p>27/21</p> <p>somewhere [2] 20/17</p> <p>79/12</p> <p>soon [1] 15/13</p> <p>sorry [2] 9/13 87/5</p> <p>sound [1] 65/6</p> <p>sounds [1] 16/14</p> <p>sparing [1] 34/17</p> <p>speak [28] 17/22 21/2</p> <p>22/2 30/19 30/22 33/7</p> <p>48/23 54/6 54/8 55/7</p> <p>55/11 56/24 57/8 57/17</p> <p>58/14 62/15 62/18 63/3</p> <p>63/19 66/6 66/21 68/7</p> <p>68/17 70/2 70/5 70/14</p> <p>71/2 71/7</p> <p>speaker [7] 26/12 26/13</p>
--	---	--	---	---

<p>S</p> <p>speaker... [5] 26/19 26/25 68/16 68/18 68/18</p> <p>speaker's [2] 17/12 17/15</p> <p>speakers [2] 64/9 73/13</p> <p>speaking [35] 7/2 12/21 20/8 20/23 21/10 21/23 23/19 26/15 26/20 26/21 30/22 31/2 40/6 41/10 49/5 55/11 56/25 57/8 57/17 63/16 63/17 63/17 63/18 63/20 65/13 65/19 70/9 72/4 73/6 74/17 75/20 81/14 89/6 89/22 94/17</p> <p>speaks [1] 54/6</p> <p>special [2] 21/16 61/6</p> <p>specific [2] 32/3 47/6</p> <p>specifically [2] 52/7 67/20</p> <p>speech [1] 74/18</p> <p>spelled [1] 5/10</p> <p>spelling [1] 5/20</p> <p>spend [1] 16/23</p> <p>spent [1] 34/3</p> <p>spoke [5] 54/3 57/16 63/20 72/24 74/18</p> <p>spoken [1] 41/6</p> <p>squeaky [2] 72/6 72/25</p> <p>stand [1] 89/9</p> <p>start [7] 9/6 19/25 21/24 44/25 49/15 63/17 63/20</p> <p>started [14] 9/3 9/8 15/11 15/13 15/25 46/6 46/19 47/11 49/16 62/7 82/21 82/21 90/9 90/13</p> <p>starting [1] 46/7</p> <p>state [5] 1/17 3/11 55/21 58/3 102/15</p> <p>stated [1] 33/24</p> <p>statement [7] 22/12 27/19 30/17 48/15 48/17 49/14 96/1</p> <p>statements [1] 102/16</p> <p>STATES [2] 1/1 1/20</p> <p>statute [1] 11/18</p> <p>stay [1] 24/2</p> <p>stayed [2] 80/18 81/19</p> <p>stereotype [1] 101/8</p> <p>step [2] 71/13 92/14</p> <p>stick [1] 8/14</p> <p>still [11] 9/10 19/11 32/14 54/24 80/14 80/16 81/1 81/15 82/5 87/11 96/23</p> <p>stipulate [1] 66/7</p> <p>stipulated [2] 3/4 3/9</p> <p>STIPULATIONS [1] 3/1</p> <p>stop [4] 30/24 70/9 74/17 94/19</p> <p>stopped [4] 42/17 48/14 94/13 99/7</p> <p>stopping [1] 63/15</p> <p>straight [1] 63/15</p> <p>strings [2] 13/3 13/4</p> <p>stronger [1] 72/13</p> <p>stuff [10] 7/6 35/3 40/9 41/23 44/5 45/14 69/20 73/15 78/24 85/25</p>	<p>submit [1] 13/7</p> <p>subsidiary [1] 23/8</p> <p>substance [1] 102/6</p> <p>successful [2] 58/2 58/20</p> <p>such [3] 33/17 33/21 92/7</p> <p>Sudhoff [4] 2/22 4/7 104/5 104/9</p> <p>suggest [1] 35/4</p> <p>Suite [4] 2/16 2/23 104/1 104/6</p> <p>support [2] 11/4 11/10</p> <p>supported [1] 11/9</p> <p>supposed [10] 25/25 28/20 29/7 29/11 35/12 35/15 37/11 49/15 49/17 55/6</p> <p>sure [22] 6/13 7/7 7/13 8/24 11/21 11/23 17/4 17/9 17/20 18/22 24/14 29/25 30/4 30/25 38/1 40/15 53/7 61/2 67/15 68/4 68/23 81/8</p> <p>swore [1] 102/16</p> <p>sworn [1] 5/4</p> <p>T</p> <p>take [17] 7/8 19/12 34/18 38/7 39/2 61/23 66/12 67/5 71/11 80/19 84/12 85/1 85/5 85/8 89/21 90/8 97/5</p> <p>taken [16] 1/15 3/5 3/10 51/15 51/16 51/17 51/22 51/24 51/25 52/2 84/3 101/7 101/8 101/9 103/3 104/10</p> <p>talk [10] 6/24 6/25 7/6 8/18 9/6 50/22 51/21 64/9 71/16 71/16</p> <p>talked [7] 73/11 73/12 84/22 84/22 87/8 87/17 89/5</p> <p>talking [17] 9/2 34/2 36/2 44/19 49/11 50/14 62/20 73/13 73/22 74/1 75/19 75/19 76/4 76/13 95/13 95/24 98/19</p> <p>talks [1] 28/25</p> <p>tampons [9] 84/16 85/13 85/14 86/11 86/22 87/1 87/7 87/14 88/5</p> <p>task [1] 34/19</p> <p>taxes [1] 58/18</p> <p>taxpayer [1] 91/15</p> <p>taxpayers' [1] 92/4</p> <p>teacher [3] 6/22 9/5 89/13</p> <p>Teetor [1] 2/15</p> <p>tell [18] 7/13 7/21 23/15 32/13 51/2 52/19 56/12 58/11 59/6 64/14 65/23 72/7 72/18 77/7 84/15 87/6 87/13 94/18</p> <p>telling [11] 46/24 47/12 47/23 50/3 66/8 67/10 70/17 72/17 75/15 85/8 94/18</p> <p>tells [1] 63/11</p>	<p>ten [2] 68/10 69/3</p> <p>tends [2] 21/20 28/2</p> <p>term [1] 87/9</p> <p>test [1] 5/21</p> <p>testified [1] 5/6</p> <p>testify [1] 5/4</p> <p>testimony [10] 25/23 30/1 43/7 53/18 86/20 101/7 101/9 102/5 102/6 103/3</p> <p>tettorlaw.com [1] 2/17</p> <p>text [2] 98/20 99/1</p> <p>texted [2] 34/6 99/6</p> <p>texting [1] 99/6</p> <p>texts [1] 99/7</p> <p>than [10] 8/5 14/13 15/5 20/18 27/19 41/24 43/14 48/1 60/25 62/6</p> <p>thank [7] 5/22 60/5 72/14 72/16 72/20 73/1 104/16</p> <p>thanks [3] 16/12 64/18 100/8</p> <p>their [11] 13/18 15/9 17/21 28/3 31/7 32/16 40/13 42/9 55/25 56/4 102/6</p> <p>them [26] 6/5 6/9 14/15 16/6 21/17 23/20 26/25 30/6 31/8 32/2 38/19 52/4 54/9 67/6 67/7 67/17 70/16 75/23 85/19 86/3 97/22 98/12 98/13 98/20 98/22 102/5</p> <p>themselves [1] 58/14</p> <p>theoretically [1] 81/14</p> <p>there's [11] 13/16 13/24 20/11 23/7 25/6 25/18 30/2 31/12 31/14 59/17 76/20</p> <p>these [19] 16/6 16/12 33/3 35/2 35/20 39/7 40/18 40/21 42/12 42/18 47/3 61/13 68/24 68/24 68/25 71/21 78/21 82/16 99/3</p> <p>they're [7] 6/9 19/2 24/12 26/21 40/19 54/9 64/9</p> <p>thick [3] 34/22 35/13 36/1</p> <p>thing [12] 6/17 6/18 6/25 7/7 27/19 32/23 35/24 42/11 48/3 71/21 76/19 97/18</p> <p>things [31] 6/8 8/13 14/15 16/19 21/3 32/1 36/2 40/22 40/23 40/24 44/1 46/13 47/4 50/10 50/10 54/1 54/1 54/18 60/24 61/2 61/7 63/9 68/25 70/16 78/10 78/11 78/22 79/3 82/16 84/17 86/2</p> <p>think [37] 8/6 9/6 10/19 12/1 17/5 20/10 25/17 31/6 31/8 34/3 37/19 37/20 37/23 38/2 38/13 38/16 44/6 45/1 49/19 49/22 50/11 50/15 51/13</p>	<p>54/15 56/17 56/19 57/6 63/2 63/4 68/20 70/25 72/22 74/10 78/1 86/17 90/3 95/17</p> <p>third [1] 20/14</p> <p>those [25] 11/13 11/18 13/18 15/23 16/13 17/3 36/6 38/8 40/20 42/25 43/3 47/2 49/17 51/23 52/9 54/19 58/23 67/13 68/23 69/17 69/18 72/6 87/4 88/16 97/21</p> <p>though [6] 28/6 41/10 45/19 64/7 65/15 84/11</p> <p>thought [6] 36/8 48/8 59/11 59/18 71/20 71/22</p> <p>thoughts [2] 73/7 73/14</p> <p>thousand [1] 54/17</p> <p>three [5] 11/15 11/19 33/6 81/12 99/1</p> <p>through [5] 23/21 34/10 34/11 40/12 67/3</p> <p>time [67] 3/6 9/16 10/22 13/18 14/17 14/17 15/7 16/4 18/17 18/22 20/5 21/11 21/24 25/2 25/21 25/25 27/18 29/15 31/2 31/8 33/20 34/25 37/18 37/24 40/20 41/11 42/6 42/13 42/24 44/20 46/14 48/1 48/10 49/7 49/17 59/19 62/4 63/20 64/6 67/18 68/12 69/25 75/11 76/5 79/19 79/22 80/3 80/15 80/17 82/13 83/9 83/22 85/24 89/8 89/10 89/17 90/9 90/11 93/6 94/11 95/3 96/4 96/5 96/22 96/24 101/8 104/16</p> <p>timeline [1] 97/9</p> <p>timely [2] 40/17 40/22</p> <p>times [20] 6/2 15/10 20/21 21/4 21/15 41/22 58/19 62/6 63/11 63/14 63/14 66/24 69/11 70/21 78/16 82/17 83/12 87/8 91/7 95/22</p> <p>today [6] 5/18 8/7 9/6 32/15 86/20 100/9</p> <p>together [2] 36/11 73/19</p> <p>told [17] 37/4 37/4 46/15 46/17 47/19 47/24 61/20 65/22 70/1 70/4 70/17 72/1 77/18 95/1 98/22 99/1 99/8</p> <p>tolerated [2] 91/13 92/3</p> <p>Tom [4] 71/24 71/25 72/7 72/18</p> <p>too [5] 26/9 87/10 92/8 97/21 97/24</p> <p>took [5] 34/11 42/18 61/17 63/10 84/24</p> <p>tool [1] 45/2</p> <p>top [2] 95/13 95/25</p> <p>topic [1] 28/20</p> <p>totally [2] 52/23 65/21</p> <p>tough [1] 28/16</p> <p>tougher [1] 5/23</p>	<p>track [2] 24/2 73/1</p> <p>transcribed [1] 3/12</p> <p>transcript [8] 3/14 3/16 101/5 101/6 103/3 103/4 104/12 104/13</p> <p>transcription [2] 3/13 104/1</p> <p>transferred [1] 61/20</p> <p>trash [5] 84/13 84/25 85/3 85/11 86/11</p> <p>treat [1] 62/12</p> <p>tremendous [1] 58/13</p> <p>tried [9] 43/19 50/9 50/9 61/14 66/20 68/6 68/13 83/23 94/4</p> <p>trouble [1] 97/23</p> <p>true [10] 17/20 27/15 63/12 63/13 63/13 72/10 91/1 101/6 102/17 103/4</p> <p>Trumbull [14] 2/20 2/20 2/20 15/23 16/10 38/7 39/3 59/19 61/20 68/23 80/19 82/3 91/14 92/3</p> <p>trust [1] 92/14</p> <p>truth [6] 5/5 5/5 5/6 66/8 72/19 102/16</p> <p>try [14] 6/20 19/4 23/17 23/21 30/21 43/5 43/8 43/17 53/24 59/18 62/4 69/22 74/17 81/25</p> <p>trying [12] 16/25 31/6 41/7 44/10 46/18 62/14 63/3 64/9 64/14 73/8 95/4 95/6</p> <p>turns [1] 33/21</p> <p>TV [1] 65/1</p> <p>twice [1] 63/13</p> <p>two [22] 14/14 22/18 24/21 41/18 42/12 42/17 42/18 42/20 45/16 45/17 45/23 47/1 47/25 54/17 60/9 63/19 80/12 81/12 81/18 85/25 87/8 90/18</p> <p>type [4] 16/20 61/13 77/20 78/22</p> <p>types [2] 23/3 82/16</p> <p>typically [4] 20/8 20/16 20/23 21/23</p> <p>U</p> <p>uh [7] 6/14 7/3 25/14 31/1 31/4 42/16 61/22</p> <p>Uh-huh [6] 7/3 25/14 31/1 31/4 42/16 61/22</p> <p>uh-huhs [1] 6/14</p> <p>uhs [1] 6/15</p> <p>ultimately [1] 22/25</p> <p>uncommon [1] 89/11</p> <p>under [20] 18/25 19/4 19/13 22/16 23/3 24/16 24/20 25/1 25/9 26/9 27/4 30/25 32/20 43/6 44/11 55/5 69/17 84/15 85/2 86/20</p> <p>understand [25] 8/22 18/21 22/16 23/23 24/14 24/15 25/1 26/5 27/3 27/17 29/14 31/19 36/18</p>
--	--	--	---	--

<p>U</p> <p>understand... [12] 37/3 41/24 42/10 55/4 59/7 64/10 66/15 71/19 74/15 81/4 96/25 99/5</p> <p>understanding [8] 17/23 17/25 19/24 24/1 26/18 29/17 29/18 104/11</p> <p>Unfortunately [2] 7/4 44/24</p> <p>uniform [1] 86/1</p> <p>UNITED [2] 1/1 1/20</p> <p>unless [1] 34/17</p> <p>until [4] 34/14 59/13 69/4 80/12</p> <p>up [48] 10/2 17/22 20/2 24/11 25/12 25/18 25/25 29/15 36/11 40/20 41/6 47/4 47/4 47/5 51/21 53/13 54/1 57/22 62/8 73/17 74/22 74/25 75/3 75/6 75/7 75/18 76/3 82/15 83/3 83/8 84/5 84/6 84/16 85/3 85/10 85/19 86/10 86/14 86/21 87/1 87/6 87/14 88/5 88/16 93/13 95/20 95/20 99/23</p> <p>upon [1] 27/18</p> <p>us [7] 10/15 13/20 68/13 68/21 78/11 78/23 79/24</p> <p>use [6] 3/12 6/11 6/14 7/9 41/9 88/12</p> <p>used [16] 1/17 34/24 35/22 38/21 39/1 44/23 83/11 84/12 85/13 86/22 87/1 87/7 87/14 88/5 88/12 99/19</p> <p>usually [1] 14/14</p>	<p>25/20 25/25</p> <p>voted [2] 19/17 19/19</p> <p>voting [1] 14/25</p> <p>VS [2] 1/9 104/8</p> <p>W</p> <p>wait [1] 81/22</p> <p>waived [3] 3/15 100/11 104/15</p> <p>walked [1] 62/8</p> <p>walls [1] 44/14</p> <p>Walton [2] 2/23 104/6</p> <p>want [35] 6/12 6/14 6/19 7/7 8/10 9/3 34/12 39/4 39/6 50/22 55/24 61/11 64/25 66/4 66/6 67/10 67/19 69/1 69/9 69/10 69/10 71/11 73/17 73/18 77/21 81/9 81/11 89/3 91/20 92/6 97/5 98/23 99/14 99/16 99/22</p> <p>wanted [7] 15/18 83/22 93/1 93/19 93/20 96/5 98/18</p> <p>wants [1] 22/15</p> <p>ward [1] 9/8</p> <p>Warren [1] 18/13</p> <p>wasn't [25] 18/17 35/13 36/19 43/6 43/8 51/20 59/15 59/16 63/15 66/9 69/7 69/23 70/16 72/25 76/3 76/11 78/8 78/20 78/21 79/5 79/8 79/18 82/14 88/3 94/5</p> <p>watch [4] 49/1 63/24 63/25 64/12</p> <p>watched [3] 49/3 63/4 64/2</p> <p>water [1] 58/6</p> <p>way [15] 7/4 7/18 16/1 16/14 27/2 47/21 57/3 62/9 62/12 68/22 73/11 73/12 87/4 89/4 96/21</p> <p>we'd [2] 13/18 13/21</p> <p>we'll [11] 7/6 27/10 60/4 64/12 66/7 68/10 69/3 69/4 69/22 72/9 100/10</p> <p>we're [9] 13/21 16/16 16/21 44/19 55/3 56/18 67/2 94/23 96/11</p> <p>we've [1] 89/3</p> <p>website [4] 32/16 36/11 36/15 39/17</p> <p>week [5] 14/14 15/8 15/10 15/10 61/2</p> <p>weekly [1] 15/8</p> <p>weeks [1] 14/14</p> <p>went [12] 11/10 14/13 15/1 15/8 18/7 21/3 61/17 66/11 67/6 68/22 87/11 99/7</p> <p>were [81] 9/2 9/5 9/18 10/8 10/15 12/14 14/24 15/16 15/18 15/19 16/2 19/5 21/15 27/8 28/24 31/2 31/7 34/10 34/11 35/12 35/15 36/4 37/18 40/4 42/12 42/14 42/19</p>	<p>42/25 43/3 43/7 44/16 46/13 46/19 47/3 49/15 49/17 51/17 51/23 51/25 52/2 52/4 57/11 57/22 57/24 58/19 59/3 61/2 62/5 64/2 70/2 72/1 73/7 73/13 73/14 73/22 74/1 74/4 74/5 76/11 76/23 77/8 77/11 77/12 77/16 77/24 78/3 78/12 80/10 80/14 80/16 83/13 83/16 86/10 86/14 87/10 88/10 88/13 89/17 96/23 97/1 99/8</p> <p>weren't [7] 30/23 44/20 50/1 50/7 51/17 74/16 74/16</p> <p>Westfall [1] 2/15</p> <p>what [137]</p> <p>what's [6] 8/8 23/12 44/18 75/25 79/7 97/14</p> <p>whatever [5] 7/9 8/10 69/1 75/15 81/9</p> <p>WHEREUPON [1] 5/1</p> <p>whether [18] 22/24 23/16 26/24 28/9 39/9 48/16 51/8 53/22 55/9 75/3 77/16 82/12 84/6 90/12 93/3 95/12 95/21 99/9</p> <p>which [8] 5/18 32/9 33/12 33/15 35/6 66/22 68/18 80/20</p> <p>while [11] 33/4 40/4 40/5 41/9 61/24 63/18 73/6 80/19 89/6 89/9 99/2</p> <p>who [20] 11/9 11/10 11/15 11/21 16/2 18/13 30/24 30/24 34/13 35/23 50/5 51/22 52/10 52/20 61/18 63/1 65/7 71/10 96/20 96/21</p> <p>who's [1] 12/9</p> <p>whoever [1] 14/18</p> <p>whole [7] 5/5 7/16 16/15 18/4 34/3 69/15 83/24</p> <p>wife [12] 7/11 61/18 61/19 61/20 80/9 80/13 80/16 81/18 93/10 96/3 96/20 97/1</p> <p>wife's [1] 62/3</p> <p>will [12] 3/15 6/5 6/16 8/16 8/24 16/9 32/13 51/7 73/5 81/7 104/11 104/15</p> <p>within [2] 3/11 104/14</p> <p>without [4] 46/7 53/25 58/17 76/24</p> <p>witness [4] 3/16 5/3 102/16 103/3</p> <p>witness's [1] 3/13</p> <p>Wix [3] 2/14 96/15 96/17</p> <p>Wix's [1] 96/13</p> <p>woman [1] 86/8</p> <p>women [1] 88/12</p> <p>women's [5] 84/13 84/24 85/3 85/11 86/11</p> <p>won [1] 59/4</p> <p>won't [5] 8/17 72/7 72/18 92/6 96/21</p>	<p>word [1] 96/17</p> <p>words [3] 48/2 74/19 84/4</p> <p>work [18] 17/24 34/22 35/9 35/10 35/11 35/25 37/1 38/6 44/12 44/24 47/22 50/9 61/9 66/11 87/11 92/1 97/20 99/4</p> <p>worked [6] 9/11 9/16 18/13 41/10 61/1 65/2</p> <p>worker [2] 62/12 65/11</p> <p>workers [1] 42/19</p> <p>working [1] 59/17</p> <p>workshop [2] 14/17 42/20</p> <p>workshops [6] 14/19 15/5 15/6 16/13 17/1 42/13</p> <p>worried [1] 11/9</p> <p>worst [1] 58/19</p> <p>wouldn't [5] 49/13 59/4 75/2 81/2 94/13</p> <p>writing [2] 6/8 6/11</p> <p>wrong [6] 6/15 46/14 47/13 48/5 95/21 99/3</p> <p>Y</p> <p>yeah [16] 5/17 5/24 13/16 15/6 29/14 34/8 63/7 65/16 67/12 68/16 69/11 71/25 79/15 90/24 93/7 97/18</p> <p>year [16] 6/2 11/22 12/1 12/5 12/5 15/13 30/9 47/25 49/8 54/18 54/19 57/25 62/20 62/21 81/3 89/14</p> <p>years [39] 7/5 9/10 9/10 9/20 9/21 10/2 10/3 14/25 16/6 17/4 18/13 18/21 28/17 29/24 41/19 42/12 42/12 42/17 45/16 45/23 54/18 54/19 57/21 58/4 58/16 61/13 62/6 62/19 66/25 69/18 70/18 73/11 77/20 77/23 89/13 90/18 91/8 93/21 99/6</p> <p>yell [1] 68/8</p> <p>yelled [3] 66/20 68/7 69/25</p> <p>Yep [3] 6/7 8/21 71/13</p> <p>yesterday [2] 5/15 17/6</p> <p>yet [1] 77/10</p> <p>Yosowitz [3] 2/15 4/9 104/23</p> <p>you're [66] 6/6 14/19 15/3 15/4 16/12 16/17 17/18 18/23 20/7 23/11 23/23 25/17 25/25 26/6 26/16 27/10 27/13 27/18 28/19 28/20 29/10 29/11 29/14 29/16 30/3 30/12 30/14 31/19 33/5 33/7 35/2 36/2 38/24 40/14 41/20 44/6 45/13 46/7 53/7 53/7 55/4 56/13 58/10 63/19 64/4 64/10 67/15 68/17 69/13 70/5 70/13 74/11 74/13 75/2</p>	<p>76/18 84/15 85/2 85/7 86/6 87/20 92/7 94/18 95/13 95/13 97/24 98/19</p> <p>you've [1] 91/10</p> <p>Youngstown [2] 2/6 104/2</p> <p>yours [3] 33/12 49/10 99/17</p> <p>yourself [6] 28/11 41/5 43/16 48/18 49/22 64/21</p>
<p>V</p> <p>varied [1] 21/19</p> <p>verbal [1] 6/11</p> <p>verify [1] 32/16</p> <p>version [4] 32/10 32/14 32/15 36/12</p> <p>very [9] 16/16 38/5 42/1 47/6 58/2 58/19 61/4 71/25 86/5</p> <p>video [7] 45/24 49/4 49/11 63/4 64/2 83/13 83/19</p> <p>videos [1] 49/3</p> <p>videotape [1] 89/12</p> <p>videotaped [1] 83/7</p> <p>videotaping [3] 83/5 89/6 89/10</p> <p>view [3] 2/16 36/11 83/9</p> <p>viewpoint [2] 17/12 17/16</p> <p>viewpoints [1] 31/7</p> <p>vision [1] 83/17</p> <p>voice [7] 72/12 72/13 72/15 72/19 72/23 72/24 72/25</p> <p>voices [3] 71/21 72/5 72/6</p> <p>vote [12] 12/9 12/21 14/24 15/5 19/20 20/12 20/15 22/6 22/17 22/25</p>	<p>way [15] 7/4 7/18 16/1 16/14 27/2 47/21 57/3 62/9 62/12 68/22 73/11 73/12 87/4 89/4 96/21</p> <p>we'd [2] 13/18 13/21</p> <p>we'll [11] 7/6 27/10 60/4 64/12 66/7 68/10 69/3 69/4 69/22 72/9 100/10</p> <p>we're [9] 13/21 16/16 16/21 44/19 55/3 56/18 67/2 94/23 96/11</p> <p>we've [1] 89/3</p> <p>website [4] 32/16 36/11 36/15 39/17</p> <p>week [5] 14/14 15/8 15/10 15/10 61/2</p> <p>weekly [1] 15/8</p> <p>weeks [1] 14/14</p> <p>went [12] 11/10 14/13 15/1 15/8 18/7 21/3 61/17 66/11 67/6 68/22 87/11 99/7</p> <p>were [81] 9/2 9/5 9/18 10/8 10/15 12/14 14/24 15/16 15/18 15/19 16/2 19/5 21/15 27/8 28/24 31/2 31/7 34/10 34/11 35/12 35/15 36/4 37/18 40/4 42/12 42/14 42/19</p>	<p>42/25 43/3 43/7 44/16 46/13 46/19 47/3 49/15 49/17 51/17 51/23 51/25 52/2 52/4 57/11 57/22 57/24 58/19 59/3 61/2 62/5 64/2 70/2 72/1 73/7 73/13 73/14 73/22 74/1 74/4 74/5 76/11 76/23 77/8 77/11 77/12 77/16 77/24 78/3 78/12 80/10 80/14 80/16 83/13 83/16 86/10 86/14 87/10 88/10 88/13 89/17 96/23 97/1 99/8</p> <p>weren't [7] 30/23 44/20 50/1 50/7 51/17 74/16 74/16</p> <p>Westfall [1] 2/15</p> <p>what [137]</p> <p>what's [6] 8/8 23/12 44/18 75/25 79/7 97/14</p> <p>whatever [5] 7/9 8/10 69/1 75/15 81/9</p> <p>WHEREUPON [1] 5/1</p> <p>whether [18] 22/24 23/16 26/24 28/9 39/9 48/16 51/8 53/22 55/9 75/3 77/16 82/12 84/6 90/12 93/3 95/12 95/21 99/9</p> <p>which [8] 5/18 32/9 33/12 33/15 35/6 66/22 68/18 80/20</p> <p>while [11] 33/4 40/4 40/5 41/9 61/24 63/18 73/6 80/19 89/6 89/9 99/2</p> <p>who [20] 11/9 11/10 11/15 11/21 16/2 18/13 30/24 30/24 34/13 35/23 50/5 51/22 52/10 52/20 61/18 63/1 65/7 71/10 96/20 96/21</p> <p>who's [1] 12/9</p> <p>whoever [1] 14/18</p> <p>whole [7] 5/5 7/16 16/15 18/4 34/3 69/15 83/24</p> <p>wife [12] 7/11 61/18 61/19 61/20 80/9 80/13 80/16 81/18 93/10 96/3 96/20 97/1</p> <p>wife's [1] 62/3</p> <p>will [12] 3/15 6/5 6/16 8/16 8/24 16/9 32/13 51/7 73/5 81/7 104/11 104/15</p> <p>within [2] 3/11 104/14</p> <p>without [4] 46/7 53/25 58/17 76/24</p> <p>witness [4] 3/16 5/3 102/16 103/3</p> <p>witness's [1] 3/13</p> <p>Wix [3] 2/14 96/15 96/17</p> <p>Wix's [1] 96/13</p> <p>woman [1] 86/8</p> <p>women [1] 88/12</p> <p>women's [5] 84/13 84/24 85/3 85/11 86/11</p> <p>won [1] 59/4</p> <p>won't [5] 8/17 72/7 72/18 92/6 96/21</p>	<p>word [1] 96/17</p> <p>words [3] 48/2 74/19 84/4</p> <p>work [18] 17/24 34/22 35/9 35/10 35/11 35/25 37/1 38/6 44/12 44/24 47/22 50/9 61/9 66/11 87/11 92/1 97/20 99/4</p> <p>worked [6] 9/11 9/16 18/13 41/10 61/1 65/2</p> <p>worker [2] 62/12 65/11</p> <p>workers [1] 42/19</p> <p>working [1] 59/17</p> <p>workshop [2] 14/17 42/20</p> <p>workshops [6] 14/19 15/5 15/6 16/13 17/1 42/13</p> <p>worried [1] 11/9</p> <p>worst [1] 58/19</p> <p>wouldn't [5] 49/13 59/4 75/2 81/2 94/13</p> <p>writing [2] 6/8 6/11</p> <p>wrong [6] 6/15 46/14 47/13 48/5 95/21 99/3</p> <p>Y</p> <p>yeah [16] 5/17 5/24 13/16 15/6 29/14 34/8 63/7 65/16 67/12 68/16 69/11 71/25 79/15 90/24 93/7 97/18</p> <p>year [16] 6/2 11/22 12/1 12/5 12/5 15/13 30/9 47/25 49/8 54/18 54/19 57/25 62/20 62/21 81/3 89/14</p> <p>years [39] 7/5 9/10 9/10 9/20 9/21 10/2 10/3 14/25 16/6 17/4 18/13 18/21 28/17 29/24 41/19 42/12 42/12 42/17 45/16 45/23 54/18 54/19 57/21 58/4 58/16 61/13 62/6 62/19 66/25 69/18 70/18 73/11 77/20 77/23 89/13 90/18 91/8 93/21 99/6</p> <p>yell [1] 68/8</p> <p>yelled [3] 66/20 68/7 69/25</p> <p>Yep [3] 6/7 8/21 71/13</p> <p>yesterday [2] 5/15 17/6</p> <p>yet [1] 77/10</p> <p>Yosowitz [3] 2/15 4/9 104/23</p> <p>you're [66] 6/6 14/19 15/3 15/4 16/12 16/17 17/18 18/23 20/7 23/11 23/23 25/17 25/25 26/6 26/16 27/10 27/13 27/18 28/19 28/20 29/10 29/11 29/14 29/16 30/3 30/12 30/14 31/19 33/5 33/7 35/2 36/2 38/24 40/14 41/20 44/6 45/13 46/7 53/7 53/7 55/4 56/13 58/10 63/19 64/4 64/10 67/15 68/17 69/13 70/5 70/13 74/11 74/13 75/2</p>	<p>76/18 84/15 85/2 85/7 86/6 87/20 92/7 94/18 95/13 95/13 97/24 98/19</p> <p>you've [1] 91/10</p> <p>Youngstown [2] 2/6 104/2</p> <p>yours [3] 33/12 49/10 99/17</p> <p>yourself [6] 28/11 41/5 43/16 48/18 49/22 64/21</p>